

The cost of public records Towns should follow court guidance and reduce fees

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The state's Open Public Records Act, or OPRA, mandates most government records to be furnished to the public upon request — but at what cost?

In May, state Superior Court Judge Linda Feinberg, sitting in Mercer County, ruled that government agencies should charge the actual cost for copying records. Or in other words, the idea is not to make money on the transaction, or effectively discourage requests by making costs too high. After that ruling, Morris County government reduced its cost to 5 cents a page.

Notwithstanding that ruling, no other town in Morris County has followed suit. A survey by the Daily Record found that most towns in the county charge 75 cents a page for the first 10 pages of records being sought, 50 cents a page for the next 10 pages and 25 cents a page after that. Do the math. If one gets, say, a 32-page ordinance from Mount Olive, it would cost \$15.50. An ordinance of the same size from the county would cost \$1.60.

The underlining philosophy here should be that government records belong to the public as much as they belong to the custodian of them. It does not cost a town 75 cents to copy a one-page document. Morris County government responded to Feinberg's ruling the right way.

Anthony M. Bucco, the town attorney in Roxbury and Netcong, said the May court ruling doesn't necessarily apply to Morris County and that a state appeals court opinion or legislative action is needed to clarify the matter. That could be, but as a matter of policy, we think towns should respond to Feinberg's ruling the way the county did and reduce copying fees.

Bucco suggested that in setting copying costs, officials must consider that employees responding to OPRA requests are taken away from their normal duties. We agree with that assessment if an OPRA request consumes hours and hours of time, but we also see responding to OPRA requests as serving the public. In short, responding to OPRA requests is the job of public employees.