

Frequently Asked Questions for Journalists

- 1. What are the differences between the Arizona Public Records Law and the Freedom of Information Act?** The Arizona Public Records Law applies to state agencies and political subdivisions of the state, including counties, cities, schools, fire districts and water districts. The Freedom of Information Act applies to federal agencies. The Freedom of Information Act has several provisions that are not included in the Arizona Public Records Law. For example, FOIA has a general time limit of one month to respond to requests, FOIA allows a federal agency to charge for search time and FOIA allows a public records requestor to request a waiver of the fee.
www.foia.gov
- 2. Are courts required to comply with the Arizona Public Records Law?** Courts are not required to follow the Arizona Public Records Law. However, courts are required to follow Supreme Court Rule 123 upon receipt of a public records request. Supreme Court Rule 123 allows the courts to deny burdensome requests, charge for search and redaction time, and has an appeal process after a public records denial.
<http://www.azcourts.gov/Portals/74/Rule123/Rule%20123%20Rules%20of%20the%20Supreme%20Court.pdf>
- 3. How much are agencies allowed to charge under the Arizona Public Records Law?** An agency may charge any fee it deems appropriate for copying records, including a reasonable fee for cost of time, equipment and personnel used in producing copies of records subject to public disclosure, but not costs of searching for the records. Op.Atty.Gen. No. I86-090. There is no fee to inspect the records. Op.Atty.Gen. No I13-012. <https://www.azag.gov/sgo-opinions/I13-012>
- 4. Does an agency have to produce a record in the format requested?** Maybe. The law requires that agencies produce records in the format that they are kept. However, agencies may have an argument to produce records in a different format in order to preserve confidential information. For example, the law does not prohibit an agency from producing a document in pdf format after redacting a non-pdf record. Regardless of whether the record is produced in a different format than it was originally kept, the metadata from any original electronic document must be disclosed upon request.
- 5. Are agencies required to provide an index of redacted/withheld records?** Maybe. Counties, cities, schools and special districts are not required to provide an index of redacted/withheld records. However, agencies should provide a grounds for withholding any confidential records. State agencies, defined by A.R.S. § 41-1001, are required to provide an index of redacted/withheld records upon request. A.R.S § 39-121.01(D)(2). There is no available legal guidance on the level of detail required by this provision of the statute.