



WYOMING GAME AND FISH COMMISSION

CHAPTER 1

REGULATION GOVERNING ACCESS TO RECORDS

Section 1. Authority. This regulation is promulgated by authority of W.S. §23-1-302, W.S. §23-1-303 and W.S. §16-4-202 through §16-4-204.

Section 2. Definitions. Definitions shall be as set forth in Title 16 (Public Records Act) and Title 23, Wyoming Statutes, Commission regulations, and the Commission also adopts the following definitions:

(a) “Access” means the ability for the public to obtain public records during established Department business hours.

(b) “Copies of Previously Issued Licenses” means copies of licenses, tags or permits issued through manual book license sales that have expired or are no longer valid. “Copies of Previously Issued Licenses” do not include “Duplicate Licenses” or “Replacement Licenses” as defined in Commission Regulation Chapter 44, Regulation for Issuance of Licenses, Permits, Stamps, Tags, preference Points and Coupons.

(c) “Custodian” means the official custodian or any authorized person having personal custody and control of the public records in question.

(d) “Examination of Records” means inspection by the public, during established Department business hours, of those public records in the physical custody of the Department or Commission.

(e) “Official Custodian” means an employee of the Department who is responsible for the maintenance, care and keeping of public records, regardless of whether the records are in their actual personal custody and control.

(f) “Privileged and Confidential Records” means those records recognized in Wyoming law as privileged and confidential.

(g) “Public Records” when not otherwise specified, means any information in a physical form created, accepted or obtained by the state or any agency, institution or political subdivision of the state in furtherance of its official function and transaction of public business which is not privileged or confidential by law. Without limiting the foregoing, the term “public records” includes any written communication or other information, whether in paper, electronic or other physical form, received by the state or any agency, institution or political subdivision of the state in furtherance of the transaction of public business of the state or agency, institution or political subdivision of the state, whether at a meeting or outside a meeting.

(h) “Public Records Request” means a request for public records that are in the custody of the Department or Commission in the normal course of business.

(i) “Routine Request” means any request for public records in final form created for the express purpose of public distribution routinely provided at no cost and intended for mass distribution, including, but not necessarily limited to, Commission Regulations, Commission Policies, seasonal hunting, fishing and other informational brochures, and information that the Department has presented in a public forum.

(j) "Sportsmen's List Request" means any request for public records created by the Department for distribution through the Product Sales section. The Sportsmen's List includes records from the Single License Draw (SLD) database, the Over the Counter (OTC) database or the Boats Management database.

Section 3. Disclosure. Public records shall be available for inspection during established Department business hours at a time designated by the custodian. The public shall not be allowed access to Department computers, unless authorized by the Official Custodian.

Section 4. Exception to Disclosure. Those documents classified by law as Privileged and Confidential Records shall not be available to public inspection. Documents listed in W.S. § 16-4-203 may not be available for inspection.

Section 5. Fees and Payments for Records Requests.

(a) The following fee schedule shall be used by the Department in processing Public Records Requests:

Certified Copies.....	\$3.00 per page is to be added to the Photocopy Charges. (i.e. \$3.50 per page for the first 10 pages and \$3.25 for each additional page.)
Copies of Previously Issued Licenses..	\$10.00 per copy, per license.
Documents Created for Distribution in a Public Forum.	No charge for the 1 st copy of a document; below listed photocopy charges for any additional copies.
Electronic Mining	Costs of programming and data mining to construct an electronic record, assessed at \$40.00/hour; 1 hour minimum charge.
Employee Time.....	\$25.00/hour.
Excessive Routine Requests...	Cost of providing pamphlets, brochures and other items in excess of five (5) of each type of item requested shall be the actual cost incurred by the Department in purchasing or producing the material.
Media Items (One-Time Reproduction Rights)	
Still Images in Digital Format.....	\$150.00/image.
Video.....	\$65.00/second.
National Wetland Inventory Maps...	Mylar \$5.00/map, paper \$2.50/map.
Off-Sight Records Examination.....	Non-Departmental office/viewing room fee, if any.

Photocopy Charges.....	\$.50 per page for the first ten (10) pages; \$.25 per additional page thereafter. The Department may, at its discretion, utilize non-Departmental facilities for photocopying; any such costs shall be paid by the requestor.
Postage	Postage fees shall be assessed at the cost of the postage and mail cartons or packages.

(b) The following fee schedule shall be used by the Department in processing Sportsmen’s Lists Requests:

(i) A rate of \$.005 per record shall be charged for the entire list. Requests for modified lists not equal to the total record count of the main source shall be segmented by species for the SLD, license type or permit type for the OTC, if not species specific, and by registration status for the Boats Management Database. A minimum rate of \$.01 per record shall be charged and shall increase based on the percentage decrease from the record count of the segmented list source.

(ii) Minimum charge for special requests of records \$25.00; Less than one hundred (100) records, \$1.00 per record.

(iii) Special requests for a modified list:

<u>% of Segmented List</u>	<u>Cost per Record</u>
100	\$0.01
70-90	\$0.015
50-69	\$0.0155
40-49	\$0.02
30-39	\$0.025
20-29	\$0.03
10-19	\$0.05
5-9	\$0.06
2-4	\$0.10
.05-1.99	\$0.15

(iv) The included fields are: First name, Last name, Mailing Address, City, State and Zip Code. Additional fields will be charged at a rate of \$5.00 per field, per 1,000 records, with a minimum charge of \$5.00 per field.

(v) Sportsmen’s List requests shall be referred to Product Sales, Wyoming Game and Fish Department, 5400 Bishop Blvd., Cheyenne, Wyoming 82006, 307-777-4570. A record of all Sportsmen’s List requests shall be recorded and maintained by Product Sales for inspection by the public.

(c) A retainer shall be required in advance of processing a Public Records Request whereby, in the estimation of the record custodian, the total cost of processing the record request will exceed ten dollars (\$10.00). The custodian shall determine the estimated cost of processing the records request and require the requesting person or entity submit that amount as a retainer. After the request has been processed, if the actual cost of processing the request was greater than the amount received as a retainer, the custodian shall contact the requestor and require they submit the difference before releasing the public records. If the actual cost of processing the request was less than the amount received as a retainer, the custodian shall refund the difference. No copies of records shall be released without receipt of payment in full.

(d) Postage may be added to any requests for copies mailed or delivered.

(e) All Public Records Requests which require payment shall be recorded using an invoice. All payments shall be transmitted to the Fiscal Division for deposit with the State Treasurer. Once the work has been completed, a copy of the invoice and the payment shall be sent to the Office of the Director in the Cheyenne office.

(f) Requests from the Federal Government, its agencies, other states and their agencies, other Wyoming State Agencies, Wyoming Counties, municipalities, power districts, conservation districts, the Wyoming Legislature, Legislative Service Office, libraries and requests from individual legislators, in their legislative capacity, for records shall be furnished free of charge; any fee waivers not included in this subsection shall be at the discretion of the Commission.

(g) Nothing herein shall be interpreted as requiring any fee be paid for mere examination of public records; excepting costs of electronic mining and costs of employee time to compile the records request. If examination requires non-Department owned facilities, the person making the request shall be charged the cost of providing the facilities. A Department employee shall oversee the records examination if personnel from the non-Department facility are not present. A fee for the employee's time shall be charged.

Section 6. Request Procedures.

(a) Public Records Requests shall be submitted in writing to the Official Custodian, Office of the Director, Wyoming Game and Fish Department, 5400 Bishop Blvd., Cheyenne, WY 82006.

(b) Routine or Sportsmen's List requests need not be submitted in writing, nor directed to the Official Custodian.

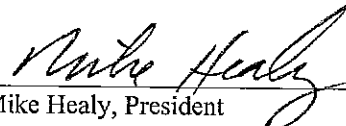
Section 7. Inspection Notification and Release of Records.

(a) A record may contain privileged and confidential information or information exempt from disclosure. Consequently, Public Records Requests may require review by the Department's Attorney General Representative, and therefore may not be readily available. The Official Custodian shall notify the requestor within seven (7) business days if the records are not readily available.

(b) If a routine record or Sportsmen's List is readily available, the custodian shall release the record immediately to the requestor, unless the release will impair or impede the Department's ability to discharge its other duties or a fee is required.

(c) If a routine record or Sportsmen's List is not readily available, the custodian shall notify the requestor within seven (7) business days that the records are not readily available.

WYOMING GAME AND FISH COMMISSION

By: 
Mike Healy, President

Dated: January 22, 2014