

Allowed Fees Under Old FOIA Law	Restrictions	Allowed Fees Under New FOIA Law	Restrictions
Actual Mailing Cost.		Labor costs ¹ directly associated with searching for, locating, and examining public records in response to written request.	Capped at the hourly wage of lowest-paid employee capable (regardless of availability) for performing such tasks, charged in 15 minute increments (rounding down).
Actual Incremental Cost of Duplication or Publication (including labor, cost of search, examination, review, and separation of exempt material).	May not charge more than the hourly wage of the lowest paid public body employee capable of retrieving the information necessary to comply with request. Must use most economical means available for making copies.	Labor costs, including necessary review, directly associated with separating and deleting exempt information from nonexempt information.	<p>Capped at the hourly wage of lowest-paid employee capable (regardless of availability) for performing such tasks, charged in 15 minute increments (rounding down);</p> <p>If, however, no such person is employed, then the public body may contract for such services and charge such rates as that contracted person so long as the costs do not exceed an amount equal to six times the State minimum hourly wage;</p> <p>The State cannot charge this portion if it “knows or has reason to know” that it previously redacted the public record in question and the redacted version is still in the State’s possession;</p> <p>A public body cannot charge any fee for this portion if the documents are available on the public body’s website.</p>

¹ Overtime wages cannot be included in the calculation of labor costs unless overtime is specifically stipulated by the requestor and clearly noted on the detailed itemization.



Fee Calculation Provisions/Restrictions in Pre-Act 563 and Post-Act 563 FOIA

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		For public records provided in non-physical paper media, the actual and most reasonably economical cost of the computer discs, computer tapes, or other digital or similar media.	<p>Restricted to actual and most reasonably economical cost of media.</p> <p>Requestor may stipulate that response be provided on non-physical paper (unless public body lacks technology capability to provide records on the particular media stipulated).</p>
		For paper copies, the actual total incremental cost of necessary duplication, not including labor.	<p>10 cent/page cap and must be itemized as cost/sheet and number of sheets provided.</p> <p>Must use most economical means available for making copies, including using double-sided printing, if cost-saving and available.</p>
		The cost of labor directly associated with duplication or publication (including making paper or digital copies or transferring digital records).	Capped at the hourly wage of lowest-paid employee capable (regardless of availability) for performing such tasks, charged in time increments of public body's choosing (rounding down).
		The actual cost of mailing.	<p>Restricted to a reasonably economical and justifiable manner.</p> <p>Cannot charge more for expedited shipping or insurance unless specifically stipulated by the requestor, but may otherwise charge for the least expensive form of postal delivery confirmation when mailing.</p>



Fee Calculation Provisions/Restrictions in Pre-Act 563 and Post-Act 563 FOIA

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		May also add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits if the public body clearly notes the percentage multiplier used to account for benefits in the detailed itemization form.	Cannot charge more than the actual cost of fringe benefits and overtime wages cannot be used in calculating the cost of fringe benefits. May use a fringe benefit multiplier greater than the otherwise 50% limitation if requestor asks to receive copies of public records available online (after being sent detailed itemization with additional cost detailed).