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*Attorney General*

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**DEPARTMENT OF JUSTICE**



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September 12, 2006

Mr. Richard P. McKee, President  
Californians Aware  
2218 Homewood Way  
Carmichael, CA 95608

RE: Request for Public Records

Dear Mr. McKee:

In your letter of August 11, 2006, you requested copies "of all records that illustrate how [the Department of Justice] calculated or determined the proper amount to charge a requester for copies of public records. As I stated in my August 25, 2006 letter to you, since at least 1976, the Department of Justice (DOJ) has charged 30 cents per page for the "direct costs of duplication." As a result of your PRA request, the passage of time with its accompanying changes in labor and technology costs, and other developments involving the Public Records Act, we conducted various types of internal studies to determine our direct costs of duplication. I am enclosing a copy of the summary of those studies.

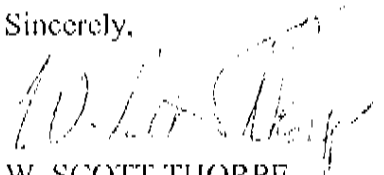
We found that the costs of duplication varied significantly depending on who in our office was assigned to prepare the response and where the copies were made. Thus, because our office is so large and we have so many different physical facilities in locations throughout California, the costs of duplication can vary greatly. We also recognize that our studies are not precise and could be subject to a critical analysis.

However, as a result of our internal studies, our review of the policies of the Governor's office and other public agencies who charge 10 cents per page, and our review of the Political Reform Act (Government Code section 81008) and the Information Practices Act (Civil Code section 1798.33) which both provide for charging 10 cents per page, DOJ will now charge 10 cents per page for our responses to Public Records Act requests. (We are not charging you for the duplication costs of the records I am enclosing.)

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Thank you for your interest in this area. The Attorney General is committed to an open government policy, and this reduction in our charges for duplication costs will further that policy.

Sincerely,



W. SCOTT THORPE  
Special Assistant Attorney General

For BILL LOCKYER  
Attorney General

Enclosure

Subject: What is the appropriate copy fee rate for Public Record Act Requests

Issue: Changes to the Public Records Act, and court cases have limited State agencies to “direct costs in duplicating” when developing rates and charging requesters for copies of public documents. Specifically, we cannot charge for inspection, retrieval, research, or redacting.

Methodology: Below are seven (7) different tests to help determine what an appropriate copy fee might be. The first six (6) are independent tests with varying assumptions. The seventh test is the mean average of the six previous tests. Sample document used was a recent PRA request, consisting of 149 pages, including 15 staples, and 5 clips.

**Test 1:**

The copy machine and Office Technician(OT) in the ASD Contracts and Purchasing Unit was used. The OT was asked to provide one complete set, including the staples and clips. Originals were to be returned in original stapled/clipped condition. Machine and labor costs were converted to a cost-per-minute.

	Per year	Per hour(1776)	Per minute
Salary for Office Technician	\$37,884		
Staff Benefits(45.26%)	<u>17,146</u>		
Total Labor	\$55,030	\$30.98	\$.5164

Machine Costs

Cannon ImageRunner 5000	(\$15,203 5-year useful life)		
Annual Maintenance	<u>\$2,380 per year</u>		
Total Annual Machine Costs	\$5,421	\$3.05	<u>\$.0509</u>

Total Time Based Costs(Per minute) \$.5673

Paper Costs (Per Sheet) \$.007

Completion of the duplication job took 12.66 minutes under this scenario. Time was started when supervisor approached Office Technician with the sample document, and was ended upon the sample and copy was handed back to supervisor.

Labor/Machine Costs	$(12.66 \times (.5673)) =$	\$7.182
Paper Costs	$(.007 \times 149)$	<u>1.043</u>
Total Cost		\$8.225

**Per sheet cost – \$8.225 / 149 = 5.52 cents per page**

**Test 1A:**

This test uses the same machine and operator as Test 1 above, but changes the machine cost from a per minute rate to a per copy rate.

	Per year	Per hour(1776)	Per minute
Salary for Office Technician	\$37,884		
Staff Benefits(45.26%)	<u>17,146</u>		
Total Labor	\$55,030	\$30.98	\$.5164

**Machine Costs**

Cannon ImageRunner 5000 (\$15,203 cost; 5-year useful life; 1,000,000 copies useful life; 137,888 actual copies FY 05-06)

Manufacturer suggests best useful life to use is 1,000,000 copies. At current usage, copier lasts 7.25 years. Annual machine cost would be:

Cost of machine (15,203) / expected life (7.25)	\$ 2,096.97	per year
Maintenance (includes everything but paper	\$ 2,380	per year
Annual Cost of Machine	<u>4,476.97</u>	per year

Annual Cost of Machine (4,476.97) / Annual Actual Copies (137,888) = 3.25 cents per page

Paper Costs (Per Sheet) \$.007

Completion of the duplication job took 12.66 minutes under this scenario. Time was started when supervisor approached Office Technician with the sample document, and was ended upon the sample and copy was handed back to supervisor. Job was 149 pages.

Labor Costs = (12.66 x .5164) /149 =	4.388	cents per page
Machine Costs	3.25	
Paper Costs (.7cents per page)	<u>0.7</u>	
Total Cost	8.338	cents per page

**Per sheet cost – 8.338 cents per page**

**Test 2:** Methodology used in this test is identical to Test 1, except the copy machine used is the Xerox 6180 in the ASD Print Shop, and the employee performing the test is a Digital Print Operator I.

	Per year	Per hour(1776)	Per minute
Salary for Digital Print Operator I	\$36,780		
Staff Benefits(45.26%)	16,647		
<b>Total Labor</b>	<b>\$53,427</b>	<b>\$30.08</b>	<b>\$.5014</b>

Machine Costs:

Xerox 6180	(\$321,242 7-year useful life)		
Annual Maintenance	<u>\$45,900</u> per year		
<b>Total Annual Machine Costs</b>	<b>\$91,792</b>	<b>\$51.68</b>	<b><u>\$.8614</u></b>

Total Time Based Costs(Per minute) \$1.3628

Paper Costs (Per Sheet) \$.007

Completion of the duplication job took 22.39 minutes under this scenario. Time was started when supervisor approached Digital Print Operator with the sample document, and was ended upon the sample and copy was handed back to supervisor. The time to complete the sample document was significantly higher than on Test 1 due to the use of a workstation, print que software, and external scanner. In addition, there was more quality control checking done by this operator, which is reasonable for Digital Print Operators working on important briefs or documents. For large jobs, this machine would be faster than the Cannon ImageRunner.

Labor/Machine Costs = (22.39 x 1.3628)	\$30.513
Paper Costs (0.007 x 149)	<u>1.043</u>
<b>Total Cost</b>	<b>\$31.556</b>

**Per sheet cost = \$31.556 / 149 = 21.18 cents per page**

**Test 2A:**

This test uses the same machine and operator as Test 2 above, but changes the machine cost from a per minute rate to a per copy rate.

	Per year	Per hour(1776)	Per minute
Salary for Digital Print Operator 1	\$36,780		
Staff Benefits(45.26%)	<u>16,647</u>		
Total Labor	\$53,427	\$30.08	\$.5014

**Machine Costs**

Xerox 6180 (\$321,242 cost; 7-year useful life; 4,976,436 actual copies FY 05-06)

Annual machine cost would be:

Cost of machine (321,242) / expected life (7 years)	-- \$ 45,891.71	per year
Maintenance (includes everything but paper)	-- \$ <u>45,900.00</u>	per year
Annual Cost of Machine	\$ 91,791.71	per year

Annual Cost of Machine (91,791.71) / Annual Actual Copies (4,976,436) = 1.84 cents per page

Paper Costs (Per Sheet) \$.007

Completion of the duplication job took 22.39 minutes under this scenario. Time was started when supervisor approached Digital Print Operator with the sample document, and was ended upon the sample and copy was handed back to supervisor. The time to complete the sample document was significantly higher than on Test 1 due to the use of a workstation, print que software, and external scanner. In addition, there was more quality control checking done by this operator, which is reasonable for Digital Print Operators working on important briefs or documents. For large jobs, this machine would be faster than the Cannon ImageRunner.

Labor Costs -- (22.39 x .5014) / 149	-- 7.534 cents per page
Machine Costs	1.845
Paper Costs	.7
Total Cost	10.079 cents per page

**Per sheet cost = 10.079 cents per page**

**Test 3:** This methodology takes the direct annual (FY 05/06) cost of the ASD Print Shop and divides it by the digital copy output in the same year.

Direct Costs for ASD Print Shop:	\$764,222.19
Number of digital copies made	13,163,817

**Per sheet cost =  $\$764,222.19 / 13,163,817 = 5.81$  cents per page**

**Test 4:** This test gave the sample document to the Office Technician, and told to take it to Kinko's copy center on 1200 J Street in Sacramento. The sample is copied on the self-service copiers, and returned to the supervisor. Kinko's wanted 5 hours to do the job themselves, with a minimum 30% markup over the self-service rates used below. The same \$.5164 per minute rate calculated in Test 1 is used for determining labor costs.

Time to copy – 20 minutes in store (assumed, based on Test 1 and time to pay with credit card) plus 10 minutes round trip walking time.

Kinko's rate – .08/page

Total labor costs – 30 minutes x .5164 -- \$15.49

Total copy costs – 11.92 plus tax -- \$12.84

Total Cost for Job \$28.33

**Per sheet cost – \$28.33 / 149 – 19.01 cents per page**

**Test 5:** Average (mean) for the previous 4 tests

1: 5.52

1A: 8.39

2: 21.18

2A: 10.08

3: 5.81

4: 19.01

**Average Per Sheet Cost – 11.67 cents per page**