



WYOMING LEGISLATIVE SERVICE OFFICE

ISSUE BRIEF

The Wyoming Public Records Act *2018 Numbers and Challenges*

June 2019

by

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PURPOSE

The purpose of this issue brief is to summarize the results of a survey conducted by the Joint Judiciary Committee relating to the number and nature of requests made under the Wyoming Public Records Act, including challenges in complying with the Act.

INTRODUCTION

The survey sent out by the Joint Judiciary Committee, via the Legislative Service Office, was intended to provide the Committee with information on the number and size of public record requests, the time and resources put into responding to those requests, and any challenges public entities experienced in complying with the Wyoming Public Records Act.¹ While the survey requested for both 2017

and 2018, the 2017 numbers largely mirrored the 2018 numbers. As such, only the 2018 numbers are included in this issue brief.

A total of 177 entities completed the survey – ranging from some of the largest State agencies to some of the smallest special districts.² To appropriately analyze similarly sized and situated public entities, this brief is broken into eight sections: State Agencies and Departments; State Boards and Commissions; Higher Education Institutions; School Districts; Counties; Conservation Districts; Weed and Pest Districts; and Other Special Districts and Joint Powers Boards.

Within each section, the analysis focuses on the number and size of the requests received, the estimated number of staff hours spent responding to the requests, procedural issues

¹ See **Attachment A** for the original survey sent out by the LSO. See also **Attachment B** for the complete list of responses regarding challenges faced by the entities in complying with the Public records Act.

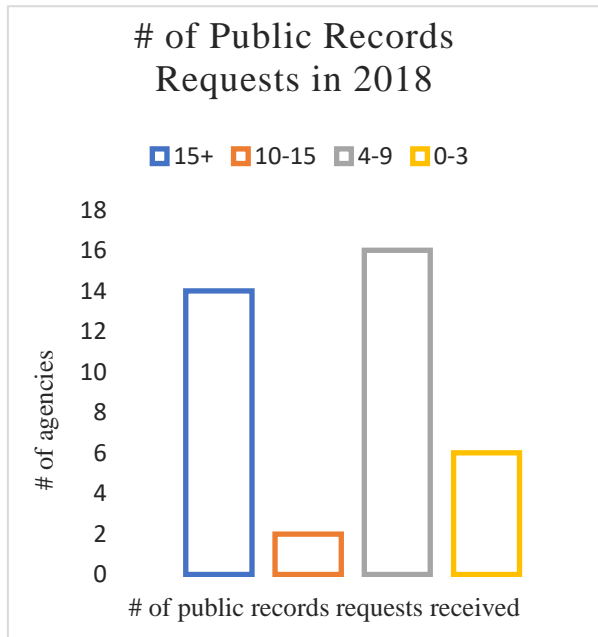
² For an analysis of all the responses, please see the figures in **Attachment C**.

including legal review, and whether fees were charged.

STATE AGENCIES AND DEPARTMENTS

Thirty-eight State agencies, or departments within agencies, completed the survey. The results were split between some agencies that received more than fifteen requests and others that received less than ten. Some agencies indicated they received far more than fifteen requests:

- Department of Health: 69
- Department of Environmental Quality: 764



Other agencies likely received a high number of requests based on the number of hours they estimated staff spent on responding to public records requests. One agency, for instance, has a full-time position dedicated to fulfilling public records requests. In 2018, the mean number of staff hours spent on public records requests for agencies receiving over fifteen requests was 431.

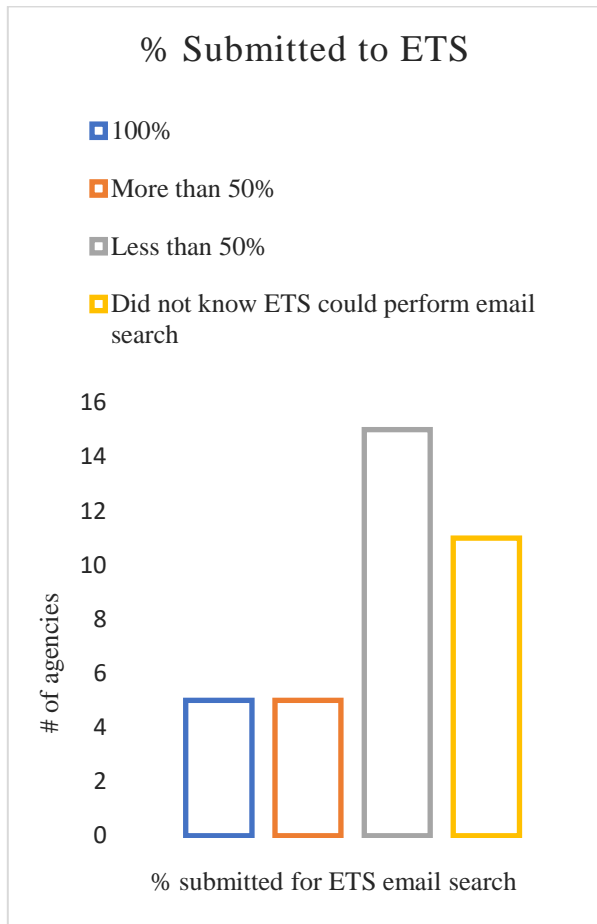
In comparison, sixteen agencies or departments received no more than three public records requests in 2018. A handful of those received zero. Of the agencies that received a minimal number of requests, the average amount of staff time spent responding to requests in 2018 was twenty-three hours. For the remaining agencies that fell somewhere in the middle in terms of the number of requests received, the average number of staff hours spent was twenty-nine. The majority of the agencies, seventy-eight percent, had a designated person, sometimes the Director, respond to public records requests.

ETS E-Mail Search

The survey also tracked whether State agencies used the Department of Enterprise Technology Services (ETS) to compile responsive documents. This is important to consider as ETS can easily perform across-agency email searches for correspondence responsive to public records requests. The downside of utilizing an ETS search is that the search will often return a much larger number of documents, many of which will not be responsive to the request. This increases staff review time to weed out the non-responsive documents.

Of the thirty-six agencies or departments that appropriately responded to the question, only fourteen percent always used ETS to search for relevant documents. Another fourteen percent of respondents used an ETS search for more than fifty percent of its requests. Forty percent of agencies used an ETS search less than fifty percent of the time. Finally, thirty percent of agencies responding did not know that ETS

could perform an email word search to locate relevant documents.



ETS indicated that in 2018 it responded to over fifteen requests from agencies to locate relevant documents and spent over 300 hours performing email word searches to locate relevant documents.

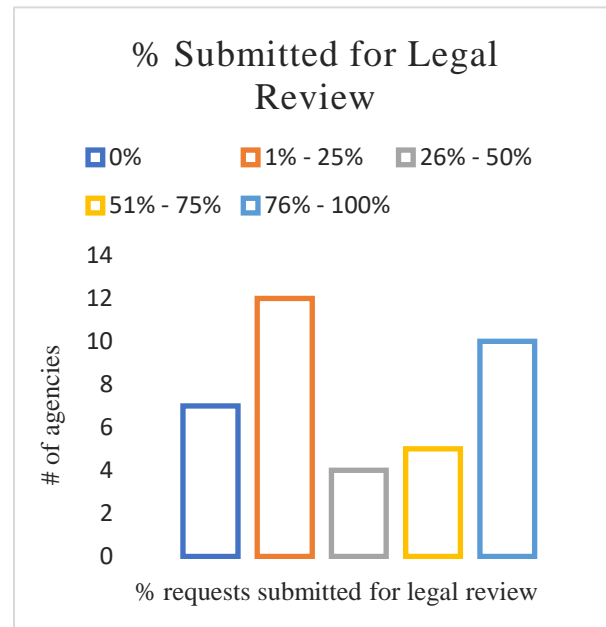
Legal Review of Documents

The survey also tracked whether agencies had the Attorney General's Office review public records requests prior to releasing documents. Because the Wyoming Public Records Act has discretionary and mandatory exemptions, including a mandatory exemption for documents otherwise confidential by law, agencies often request that their attorney review the responsive documents to ensure

compliance with the Act and other provisions of law.

Agencies varied quite a bit in the percentage of public records requests they submitted for legal review. The number of requests needing attorney review is significant because it creates an additional step before responsive documents may be released under a public records request.

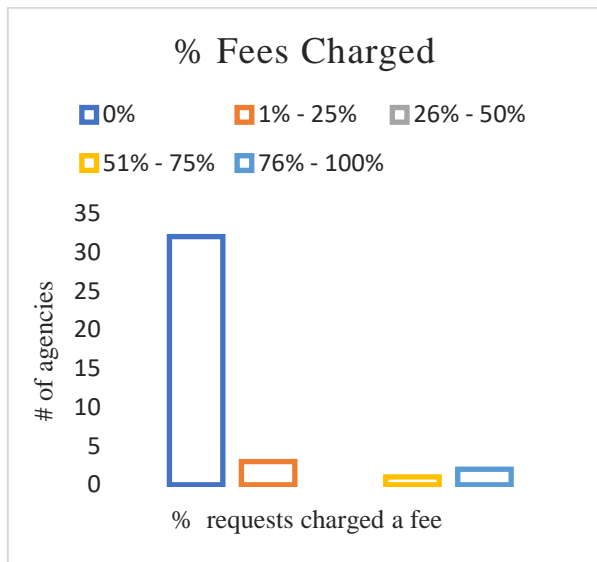
The Attorney General's Office estimated that



for 2018 it spent 718 attorney hours assisting agencies with public records requests. The Office does not track the number of support staff hours used for reviewing and assisting with public records requests.

Public Records Requests Fees

The majority of responding agencies, eighty-two percent, did not charge for public records requests in 2018.



The Wyoming Legislature amended the Public Records Act in 2014 requiring the Department of Administration and Information (A&I) to adopt uniform rules establishing procedures, fees, costs and charges for inspection, copies and production of public records for all State agencies to use. A&I completed its Uniform fee rules in September of 2016. Since then, State agencies have been slowly adopting the Uniform fee rules. As a result, the percentage of agencies charging fees for public records requests may increase moving forward. For example, the Department of Environmental Quality's Uniform fee rules were not finalized until December of 2018. Beginning in 2019, the Department will be able to charge fees for large public records requests.

Challenges

The challenges reported by State agencies when complying with the Public Records Act can be summarized into five categories: 1) legal review; 2) staff time; 3) difficulties

coordinating and compiling the records; 4) receiving large, vague, and very general requests; and 5) meeting timelines.³ Legal review and assuring the appropriate documents were withheld from public records requests was cited as the biggest challenge for agencies. Many agencies deal with sensitive and confidential information, including protected health information, third party proprietary information, and parolee and prisoner records. Redacting and completing a legal review often requires additional time to complete the request.

A challenge especially highlighted by State agencies and departments was the size and vague nature of the requests received. Several agencies commented on having difficulty narrowing the scope of public records requests. If the requestor chose not to narrow the scope of the requests, agencies then faced challenges in compiling the large number of requested documents. Often the older documents have been archived and are no longer physically located within the agencies. In other circumstances, the documents requested are scattered across the state at various regional offices. Finally, with ETS maintaining emails indefinitely, a request for correspondence on a subject can quickly return large volumes of emails to review and release.

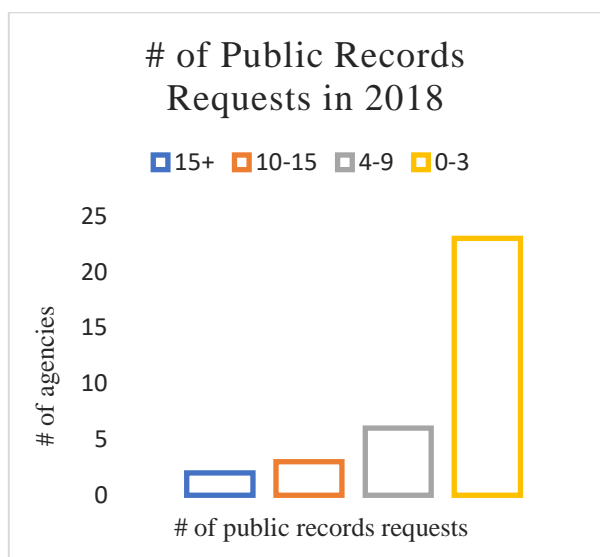
The challenges noted above also created issues for agencies in terms of having available staff and the ability to meet reasonable timelines. A few agencies noted they had technical scientists and engineers spending a considerable amount of time reviewing

³ See Attachment B-1 for a complete list of challenges.

documents for public records requests. Another provided an example of how a large request could lead to a lengthy review process simply due to the size and nature of the requested documents.

STATE BOARDS AND COMMISSIONS

Thirty-four State boards and commissions responded to the survey, with the majority of those being licensing boards. The boards and commissions overwhelmingly received very few public records requests.



Only the Board of Examiners of Speech-Language Pathology and Audiology and the Mental Health Professions Licensing Board received over fifteen requests in 2018. Most of those requests, however, were requests for the roster of licensed professionals which do not take much time to produce.

Because the number of requests were low for boards, similarly the number of hours required by staff to fulfill the requests were low. The average number of staff hours was thirteen.

One board was a bit of an outlier in that it received between zero and three public records requests but spent an estimated eighty hours of staff time in fulfilling those requests. The only other board that estimated eighty staff hours in 2018 was the Mental Health Professions Licensing Board which received over fifteen requests. Seventy-six percent of the boards and commissions had a designated person handle responding to public records requests, often that person was the executive director. Many of the boards and commissions that responded have their executive director services performed by the Department of Administration and Information.

The primary challenge expressed by the State boards and commissions was the ability to compile large requests during short timeframes simply due to the typically small staff size of the offices. Many boards only have one or two staff members but will typically receive the same generic public records requests send to all State agencies.⁴

HIGHER EDUCATION INSTITUTIONS

Three institutes of higher education completed the survey: two community colleges, and the University of Wyoming.

University of Wyoming

The University of Wyoming received more than fifteen public records requests in 2018 and spent an estimated staff time of over 200 hours responding to those requests. Requests most frequently required staff to review less than 500 documents or emails. The University had close to one-hundred percent of its requests

⁴ See Attachment B-2 for a complete list of challenges.

reviewed by its legal team prior to releasing documents. The University charged for less than a quarter of the requests it received.

Challenges the University cited in complying with the Public Records Act included the ability to review and respond to large volumes of public records requests. The difficulty in responding was largely due to the need to prioritize work within the University's legal office and a lack of personnel. Because of the nature of the records sought, requests often required attorney review and redaction of sensitive information to comply with various state and federal regulations governing the University. Finally, public records requests often sought documents housed in several Departments requiring coordination.⁵

Community Colleges

The two community colleges were split in their responses. One community college received between zero and three requests in 2018 and spent an estimated ten staff hours responding to the requests. Most requests required staff to review less than 500 documents or emails. This college rarely submitted responsive documents for legal review and had a designated person handle all public records requests.

By contrast, another community college received between four and nine requests in 2018 and spent an estimated 150 staff hours responding to those requests. The 2017 numbers were half of the 2018 numbers. The college most frequently had requests that required staff to review between 500 and 1000 documents or emails. The college also

submitted over half of its requests for legal review and did not have a designated person handle all requests.

Both community colleges cited time and expense as challenges to complying with the Public Records Act. The community college that submits more of its requests for legal review also cited legal review as a challenge when complying with the Act.⁶

SCHOOL DISTRICTS

Seventeen school districts completed the survey. Close to sixty percent of the districts received less than three public records requests. The remaining forty percent received no more than nine public records requests in 2018. On average, the districts spent twenty hours responding to the public records requests. Many districts reported the most common request being for discrete documents. However, four districts reported that their most frequently received requests required staff to review more than 1000 documents or emails.

Most districts had a designated person or a uniform policy for responding to public records requests. Close to seventy-five percent of the districts never sent their requests for legal review or sent less than twenty-five percent of the requests received for legal review. A little over half of the districts also never charged fees for public records requests.

The biggest challenge school districts reported when complying with the Public Records Act was having limited staff available to respond to requests in a timely manner. Another challenge cited by most of the districts was receiving

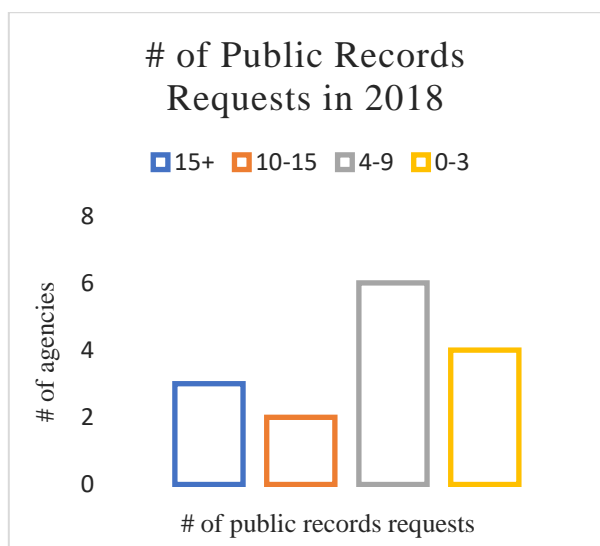
⁵ See Attachment B-3 for a complete list of challenges.

⁶ See Attachment B-3 for a complete list of challenges.

vague requests for large numbers of documents and having to compile information from various sources into the requester's specified format. One district felt requesters should be required to view documents onsite. Another challenge mentioned included the need for legal review and being unsure about what can be disclosed.⁷

COUNTIES

Fifteen counties completed the survey.⁸ Two-thirds of the counties responding received less than ten public records requests. The average number of staff hours to respond to the requests for those counties was thirteen. Three counties received more than fifteen requests and on average spent 453 staff hours responding to public records requests.



Most counties typically received requests that required staff to review less than 500

documents or emails or received requests for discrete documents. Over half of the counties had a designated person handle all requests or had a policy in place for a uniform response to public records requests. Only one-third of the counties submitted their public records requests for legal review more than fifty-percent of the time. Another third never submitted requests for legal review. Only thirteen percent of counties charged fees for more than a quarter of the requests received in 2018.

Overwhelmingly, the largest challenge faced by counties in complying with the Public Records Act was their ability to compile all of the information requested into the format specified by the requester. Often the documents were in paper copy or in archives and the requester specified electronic or excel documents. A complicating factor noted as a challenge by several counties was the volume of the requests and their broad/generic nature. The counties overall had some issue with staff and legal review, but less than other survey respondent groups. This is likely due to many counties having access to legal counsel and a staff with a mission of document management.⁹

CONSERVATION DISTRICTS

business. While most counties submitted only one response, a few counties had the various departments complete the survey. LSO aggregated these responses.

⁹ See Attachment B-5 for a complete list of challenges.

⁷ See Attachment B-4 for a complete list of challenges.

⁸ Because most of a county's documents are public, a few counties noted they had difficulty determining which requests should be included in this survey. In those cases, the county did not include day-to-day

Nineteen conservation districts completed the survey. Of those, fifteen received between zero and three public records requests in 2018. The remaining four received between four and nine public records requests. On average, the districts spent eight hours of staff time responding to public records requests, with the maximum being forty hours and the minimum fifteen minutes. All districts except one stated that its most frequent size of requests were small or requests for discrete documents. One district noted it frequently received requests that typically require staff to review 500-1000 documents or emails.

Seventy-nine percent of the conservation districts responding did not charge for public records requests in the last two years. Eight-nine percent did not submit public records requests for legal review. Most districts had either a designated staff person, in some cases the lone staff person, or a uniform policy for responding to requests.

The top three challenges expressed by most of the districts were: 1) staff time or lack of staff; 2) difficulty understanding what could be disclosed or what documents required redaction; and 3) the statutory timelines for responses. Many of the districts noted they were the only staff member or had a staff of less than two people. The districts noted that the availability or lack of staff often factored into the districts' ability to respond in a timely fashion. Similarly, the lack of staff often made it difficult to compile the information, or meant that records for some services, such as accounting records, were not housed within the

organization. The other major challenge cited was the ability of the districts to interpret and understand the mandatory and discretionary exemptions in the Public Records Act. The districts often work with landowners and so must review documents under the agricultural exemption found in the Act.¹⁰

WEED AND PEST DISTRICTS

Seventeen weed and pest districts responded to the survey. Thirteen districts received three or less requests in 2018. The remaining four districts received between four and nine requests in 2018. On average, districts spent six hours responding to public records requests. The most a district spent was thirty-two hours and some districts only spent an hour. Only one district charged fees for public records requests in the last two years, and even then, it only charged a fee for less than fifty percent of the requests. The districts were split in terms of the number of requests they submitted for legal review with over half never submitting requests. Most of the districts had either a designated staff person or a uniform policy to respond to public records requests.

The weed and pest districts cited many of the same challenges as the conservation districts in complying with the Public Records Act. The issue of staff time and the ability to respond to requests in a timely fashion was more specific to the districts' busy season, typically May through September, when staff were often needed in the fields for spraying.

A challenge most weed and pest districts expressed was the difficulty in compiling the

¹⁰ See Attachment B-6 for a complete list of challenges.

requests. Several stated they received requests from the same out-of-state entity for information in a specific electronic format. Those districts noted that because they typically keep hard copies of documents or keep the information in up to twenty different spreadsheets they spent a significant amount of time compiling the requested information into the specified format. Because the Public Records Act explicitly does not require entities to compile data and create new records, some districts chose to not compile the data and instead offered the requestor the actual records housed within the districts.¹¹

OTHER SPECIAL DISTRICTS

An additional twenty-six special districts completed the survey. All but two of the respondents received less than nine public records requests in 2018, with the majority receiving less than three. Likewise, the estimated number of hours to respond to the requests were low, with the average being eleven hours. Most requests received by the districts were either small or requests for discrete documents. A joint powers board was the outlier in that it received over fifteen requests in 2018 and spent an estimated 500 hours responding to those requests.

Only two of the responding districts charged fees for over seventy-five percent of the requests received. Most districts charged nothing and a few charged fees for up to twenty-five percent of its requests. Similarly, only a few districts submitted requests for legal review. Approximately half of the districts

indicated they had a designated person to respond to requests or had a policy for a uniform response.¹²

If you have any further questions, please do not hesitate to contact LSO Research at 777-7881.

¹¹ See Attachment B-7 for a complete list of challenges.

¹² See Attachment B-8 for a complete list of challenges.

Public-Records Requests Survey

This survey is designed to gather feedback on the Wyoming Public Records Act for the Wyoming Legislature's Joint Judiciary Committee. Thank you for taking the time to complete the survey.

* Required

1. Name of Entity *

2. Type of Entity *

Mark only one oval.

- ☐ State agency, board, or commission
- ☐ Municipality
- ☐ County
- ☐ Special district
- ☐ Higher education institution
- ☐ Other political subdivision

3. In 2018, approximately how many public records requests did you receive? *

Mark only one oval.

- ☐ 0-3
- ☐ 4-9
- ☐ 10-15
- ☐ 15+

4. How many staff hours do you estimate were spent on public records requests in 2018? *

5. In 2017, approximately how many public records requests did you receive? *

Mark only one oval.

- ☐ 0-3
- ☐ 4-9
- ☐ 10-15
- ☐ 15+

6. How many staff hours do you estimate were spent on public records requests in 2017? *

7. Please rank the average size of the requests you received in the last two years. (1 being the most frequent size of requests received, and 4 being the least frequent size of requests received) **Mark only one oval per row.*

	1 (most frequent)	2	3	4 (least frequent)
Large (typically require staff to review 1000+ documents or emails)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Medium (typically require staff to review 500-1000 documents or emails)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Small (typically require staff to review less than 500 documents or emails)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Requests for discrete documents or emails that are readily available	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

8. In the last two years, what percentage of public records requests have you charged fees for? **Mark only one oval.*

- ☐ 0%
- ☐ 1% - 25%
- ☐ 26% - 50%
- ☐ 56% - 75%
- ☐ 76% - 100%

9. In the last two years, what percentage of public records requests required legal review? **Mark only one oval.*

- ☐ 0%
- ☐ 1% - 25%
- ☐ 26% - 50%
- ☐ 51% - 75%
- ☐ 76% - 100%

10. In the last two years, did you have a designated person handle all public records requests? **Mark only one oval.*

- ☐ Yes
- ☐ No
- ☐ Our office did not have a designated person but had a policy for staff to uniformly respond to public records requests
- ☐ Other: _____

11. For State agencies: How often do you use an ETS email word search to locate relevant documents?*Mark only one oval.*

- ☐ We always use an ETS email word search to locate relevant documents
- ☐ 50% and higher
- ☐ Less than 50%
- ☐ I did not know ETS could run an email word search to locate relevant documents

12. Please list your top three challenges in complying with the Wyoming Public Records Act. *

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Top 3 Challenges: State Agencies ¹	
1. Due to the nature of much of the material, reviewing for allowed redactions. 2. Due to the need to review nearly every page by two people, the time involved. 3. Coordinating the responses across multiple locations and locating where the requested documents may be.	
Timing	
The generality of the requests (requiring unnecessary time), returning the request in a timely fashion, narrowing the requested information in a effort to better deliver what the requester is seeking.	
1. Most requests are simple and are requested from deadline-sensitive companies (newspapers, radio, TV news); 2. Paralysis by Analysis; 3. Response time	
Records requests is a secondary duty, that ends up being a primary duty on a given day. I'm an Engineer and this may belong in the hands of a paralegal assigned to [the agency]. I do not have the records, they are held by others within [the agency] and it takes time to collect the records, keep the requester inform, and then deliver the records. There is programs available such as GovQA that can serve the greater good.	
For email compliance we have not had any challenges arise. However for document requests the timing can be critical because of the need to retrieve the documents from Archives, review them for any confidential information and then provide adequate space for the requester to review the documents, copy those documents wanted in an area that doesn't cause interference for the office or for the requester. We would also have a problem holding any monies provided for the request to be handled. We do not have an account to hold those monies and would have to work with the State Treasurer to manage those funds.	
We are a very small agency (2 people) and we work together to accomplish what is needed	
No issues with complying with the WPR Act, but with our internal process for responding: takes too long to forward the request to the right people and get a reasonable response and clarifying what is being requested, so it can be narrowed down instead of having to provide vague and vast information.	
Vague requests/ requests are for documents or data that we do not possess	
Short time span for response, stopping work flow of staff to respond to request, lack of specificity regarding information sought - wide net casting	
Timing of the requests; timelines; the data requested is not readily available from one database report;	

¹ LSO has redacted agency names from submitted responses.

<p>1. Unable to give a specific time frame for when materials will be available and sent. It depends on when our office receives the items and when some items have been approved and added to our system to be able to start to compile.</p> <p>2. Sometimes not getting the information (either in a timely manner, it's not quite available because it's still under investigation, or there are pending charges and we are not able to provide the information until it has been cleared or adjudicated from the County Attorney, District Attorney, or Attorney General's Offices).</p> <p>3. Disseminating the information to the customer/requester. Some customers want everything emailed (which we are only able to do with documents due to integrity issues with our discs). Some customers want partial information until everything becomes available, and some don't mind having everything packaged up and sent via mail. We do not have one system for all of our information, nor do we have one system to disseminate the information to the customer.</p>
Legal review, Confidentiality Statutes, Manpower
N/A
1. Obtaining general contact information from requesters 2. Insuring that we are appropriately applying the law. 3. The bulk of the requests we receive, do not come from Wyoming constituents. They come from for-profit entities that are data mining.
If I receive a request the biggest challenge will be only having 30 days to complete
we rarely received public records requests
1) Pulling staff off regular duties to gather requested information. 2) Timeline to address large requests - especially when legal review is necessary. 3) Knowing what qualifies as a Public Information Request and what is just a question asked in the normal course of business.
Managing sensitive document requests. Interpreting the request (Usually just requires contacting requestor for more information.) Multiple requests from same requestor.
1 - Ensure no sensitive/restricted data is submitted to requester(s); 2 - Ensure all applicable documents (electronic and non-electronic) are submitted from field personnel (scattered throughout the state); 3 - Meeting deadlines: most information requested is not in my immediate custody but requires coordination with multiple department personnel to gather data and submit to me for review. Oftentimes there are absence issues (annual leave, etc.) to overcome, tardiness in response, and other requests and duties to handle (workload).

<p>[Agency] is a covered entity that maintains protected health information and is subject to disclosure restrictions of HIPAA. Because of the heightened liability, increased time is needed to screen requests, obtain legal review, and redact documents.</p> <p>The diversity of the [agency] increases the effort and time it takes for our record request coordinator to communicate with staff, determine the program that is custodian of records, and coordinate obtaining the records.</p> <p>Additionally, the [agency] is an extremely large organization and has so many documents/contacts/Divisions that all hold different information, our records coordinator has to consult multiple sources and have documents gathered from each of those sources and review all the documentation provided.</p>
At this time it has not been challenging.
I am not very familiar with the Wyoming Public Records Act-we use our AG's office to clarify requests.
<ol style="list-style-type: none"> 1) Lack of resources to manage larger (potentially burdensome) requests 2) [Agency]deals with a lot of confidential information. Lack of resources and the responsibility to ensure we do not accidentally release any confidential information may delay getting the information to the requester in a timely manner or in the time frame they expect. 3) We deal with claimants, including inmates, who are sometimes not happy with the decisions made by this office. It is a possibility one or more inmates may use the new language in the Public Records Act to cause problems. [The agency] foresees the possibility of some inmates filing frivolous public records requests and demand [agency] comply with the request within a short period of time even if it is unrealistic to do so.
Very time consuming, required response times are difficult to meet,
While the number of public records requests the [agency] receives is small, the requests have been for a large number of documents; thus, the first challenge is finding staff time to complete the request while not impacting other responsibilities within the office. The second challenge is meeting the request deadlines both within our office and coordinating with other involved state agencies. There have also been challenges in defining the intent and/or scope of the request.
<ol style="list-style-type: none"> 1. Ensuring that the public and offenders understand that parole records are privileged and confidential. 2. Dealing with offenders, who on occasion attempt to use public records requests to circumvent other laws. 3. Understanding, and helping others to understand, how the WPRA interacts with other laws, such as the Criminal History Records Act, or other state and federal laws which limit what records can and should be released and to whom.
Timeliness, Consistent documentation (tracking) of requests among all state agencies, the size of some requests
Unknown

<p>1. Dealing with public records requests submitted by third parties for purposes of resale. Responding to these types of requests requires a lot of staff time and redaction of confidential information, and it seems to us such requests may not support the purpose of public records law.</p> <p>2. Our investment documents contain a great deal of third party proprietary confidential commercial or financial data which require higher level staff to review and redact.</p> <p>3. Difficult to respond quickly and responsibly while continuing to deliver the other requirements of this office without budget to hire people to assist with the public record requests.</p>
<p>1. Lack of Institutional Knowledge - If a request is for information from years ago or about a former employee, it can be very difficult to research, or even know where to start.</p> <p>2. Lack of Consistent Archiving - Processes and procedures for archiving and labeling change every few years, making requests for some longitudinal data very difficult to fulfill.</p> <p>3. Assumption of Possession/Ownership - Some requesters will repeatedly make requests for records we do not have, then think we are denying access.</p>
<p>We did not have any requests in 2017 and 18 but a big one in 2019. The biggest challenge for the most recent one is gathering all the information they wanted.</p>
<p>This is not compliance, but an efficiency issue in that the larger the request the more difficult it is to devote staff time to the request given other, often time-sensitive, duties.</p>
<p>Lack of specificity, communication around the needs of the request, lack of understanding of what makes good e-discovery search parameters</p>
<p>lack of specificity, understanding what makes good e-discovery search parameters, "back-and-forth" conversations to revise initial e-discovery request</p>
<p>Disclosure of personal or business identity. Potentially large volume of data or documentation. Determining the custodian of record.</p>
<p>Time, Redaction, Manpower</p>
<p>Staff resources: The majority of our staff is comprised of scientists and engineers who have many important roles to protect the [. . .] and ensure that the programs they run meet all rules, regulations and laws. From 2012 to 2018, our record requests have increased by 100%. This has increased the work load for all [Agency] staff. We continue to look for IT solutions to create better efficiency, transparency and paper reduction. [The Agency] has scanned over 2.5 million documents and enhanced online databases.</p> <p>Historic Inconsistent Data/Records Management: Over the past 40 years, records management was handled by a multitude of individuals in a variety of ways. Therefore it takes a significant amount of time to locate older historic records. These records are located within multiple division databases, staff files, and within the state archives.</p> <p>Emails: Currently, the official email correspondence records reside within ETS. When an email record request is received, [the agency] must go through the AG's office to locate these emails from ETS. Once [the agency] receives the email records (in an Microsoft Outlook file), staff must then begin their review of the emails to ensure no confidential, trademark, personnel, attorney client privilege, or</p>

deliberative records are released. This review can involve multiple staff. Therefore, the time spent to review and release these records in a required time is significant.

The following is an example of a complicated public records request received by [Agency]:

In 2017, [the agency] received a records request regarding five [permits]. The requester was looking for specific non-electronic and electronic records since 2012 and all communication correspondence (including emails). This request included three divisions[. . .].

[One division] alone had over 49,000 emails (many with attachments) that were initially identified for just one of the five (5) [permits]. After communicating with the requester, [that division] was able to reduce the emails requested to approximately 7,000. Assuming staff spend one (1) minute reviewing each email (and attachments), this amounts to over 116 hours. One could easily assume that it would take a similar amount of staff time reviewing additional emails regarding the other four [permits]. This could amount to over 650 hours per division.

What's not included in this example is staff time reviewing and compiling the non-electronic records.

Top 3 Challenges: State Boards and Commissions ²	
Do not have any that I can think of. We always review requests with our attorney	
Time required to fulfill the request- We have staff of one and 1/2.	
Determining if the records request could be met. Locating the records. Identifying the correct records to send	
Burden to (limited) staff and available time; requests are becoming increasingly complex and detailed; some records (such as video and audio) take significantly more time to review and doing so requires specialized skillsets which may be unavailable within the agency	
1) Staff time involved in larger requests, as our small staff is already tasked with full time duties and expectations 2) Completing requests in a speedy manner to account for time the AG review of records may also take before release 3) Accessing historical records that are not readily accessible	
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Time frame to include compiling records and legal review	
Time frame to include compiling records and legal review	
Time frame to include compiling records and legal review	
compiling records; legal review	
1-Diverting office work to comply; 2-Lack of legal knowledge regarding documents included; 3-compliance requires immediate/timely attention and we do not have staff to accommodate cost or time	
1) Staff time involved in larger requests, as our small staff is already tasked with full time duties and expectations 2) Completing requests in a speedy manner to account for time the AG review of records may also take before release 3) Accessing historical records that are not readily accessible	
1) Staff time involved in larger requests, as our small staff is already tasked with full time duties and expectations 2) Completing requests in a speedy manner to account for time the AG review of records may also take before release 3) Accessing historical records that are not readily accessible	

² Many of these responses are the same because Department of Administration and Information staff provides executive director services for several boards and commissions.

1) Staff time involved in larger requests, as our small staff is already tasked with full time duties and expectations 2) Completing requests in a speedy manner to account for time the AG review of records may also take before release 3) Accessing historical records that are not readily accessible
We have not had a public record request
We did not receive a public record request
None at this time.
1) Staff time involved in larger requests, as our small staff is already tasked with full time duties and expectations 2) Completing requests in a speedy manner to account for time the AG review of records may also take before release 3) Accessing and locating historical records that are not readily accessible or possibly have been destroyed
1) Staff time involved in larger requests, as our small staff is already tasked with full time duties and expectations 2) Completing requests in a speedy manner to account for time the AG review of records may also take before release 3) Locating and accessing historical records that are not readily accessible or possibly even destroyed.
1) Staff time involved in larger requests, as our small staff is already tasked with full time duties and expectations 2) Completing requests in a speedy manner to account for time the AG review of records may also take before release 3) Locating and accessing historical records that are not readily accessible or have possibly even been destroyed.
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None
First challenge is the time it takes for legal review and redaction. AG staff are stretched. So far, good communication with entity requesting information has allowed us extra time to perform the task. Second biggest challenge is pulling specific data from a new licensing system. The system is not set up for unique queries. The third biggest challenge is overall timing due to small office size. If the person that handles requests is out of office for a week, that significantly reduces the time frame for response.
Time
It depends on the request. Small staff, high volume of other work, and limited time.

Attachment B-2: State Boards and Commissions

Time required to perform search and provide response or information that was being requested. Determining what was actually being sought (e.g. is what was being requested actually a public record) Appropriateness of response
Our documents all require comprehensive redaction of personal info.
Determining whether to charge for the records when supplying them in compliance with the Medical Practice Act and/or the Board of Medicine's Rules.
We haven't processed a request in a number of years so I am unable to provide useful input on this question.

Top 3 Challenges: Higher Education Institutions	
Time and expense	
Amount of staff Time, Costs of copying, and legal aid	
<p>1) The unpredictable nature of job duties in the legal office and the current lack of personnel interfere with the ability to review and respond to the large volume of requests we receive in a timely manner.</p> <p>2) Potentially responsive records are often housed in multiple units depending on the nature of the request.</p> <p>3) Due to the nature of higher education, records requests require attorney review and potential redaction because of the large number of regulations that the University is subject to.</p>	

Top 3 Challenges: School Districts	
FORMAT REQUESTED,	
Accessibility of the requested documents, staff time to compile, cost for legal review	
Time to complete the request, quick deadlines, and clarity of the request	
Always being able to pull the specific information requested only using one report.	
Time, particular format requests,	
Requested format of public records Not understanding exactly what is being asked	
At this point, we haven't been faced with any challenges.	
Some staff don't like to release information	
Size of staff and time required to fulfill requests. The time period for response is short.	
Legal fees, loss of work time for office staff, loss of work time for administrators	
Shrinking school budgets have eliminated a big portion of our clerical staff. It is difficult to know real public records requests from scam/spam. The requestor can share the information in the news any way they want. For instance, anything we purchase online can be lumped under "credit card" spending. To the general public they don't know it may have been books, curriculum, or materials. They also don't know the bills are paid and we avoid the interest payment. Credit card purchases are essential in the world we live in. I believe that is slanderous and hurts schools.	
The requests we are getting now are for more information and are written vaguely. Records are always available for review during business hours, therefore we should not be required to "produce" digital copies to scan and email or to have to run 100 pages of reports and drop into a special platform to email. Anyone wanting to see records should be required to review on site.	
Time, personnel, and time	
1) Time to respond with several tight deadlines 2) Clarifying what is requested. We recently had a request, I had to reach out to the entity asking them to clarify if they wanted just a report with the information or if they wanted copies. I asked them if they wanted a report to send me a thumb drive. I never heard back for a week. I then received a thumb drive in the mail. They never said if the report would suffice. I keep all documentation in case we need proof. 3) Once we receive a request for actual documents, I expect this will be much more difficult for our small school district where all of our business office staff are stretched thin with multiple job duties.	
Establishing why said information was applicable to requester Establishing what, legally, they are entitled Finding time to copy information that had previously been made public in local paper	
Requests are huge and vague and have a 30 day deadline; data is requested in ways that it could easily be misconstrued -- it's obvious by the way the requests are written; even with being paid for staff time (and we have not been -- most requests go away when fees are mentioned), our regular workloads and deadlines are difficult to juggle in order to make time for these.	

Top 3 Challenges: Counties
Time to do the research because of small staff, If the request is made during a time when we are extremely busy with elections, etc. Inability to create a document of exactly what a person is requesting without spending many hours pulling information from different reports or offices.
Vagueness of request
Really don't know
Most requests received now are for electronic/emails. Due to the prolific use of email, it makes it more challenging to respond. Generic nature of the requests. Some outside organizations such as Open the Books submit very generic requests that are not tailored to our organization and it makes it difficult to determine how to respond. Staff concerns that a request implies wrongdoing, therefore, become a bit defensive in responding to requests.
manpower for research, compiling or redacting none public information from current reports, request not being specific and too broad, vetting out requests that were for solicitation uses or not public record.
We have only had 1 large request and it involved a large # of copies. Usually it is a matter of pulling a financial report or advising to look at web-site for the requested information. Going forward our Civil Deputy County Attorney will be designated as the person to which all requests will be made.
Volume of the request, the restricted format to which the request is made, the time involved in obtaining the requested information. and the turn around time the request involves.
Requests for the County Clerks Vault Records as companies want all of the digitized data for free (think these records should be excluded from public records where they are free); time frame - some went back to 2010 on accounts payable; most are coming from for-profit companies, so they are selling our data which is a major irritant.
The information they request can usually be found on our website. Special records requests that are not part of day to day business.
Special records requests are not part of day to day business
<p>Answers are for [. . .] County as a whole and estimated as we don't track. These are also not for day to day requests for public records like deeds, titles, etc... including those that we have available online.</p> <p>Challenges:</p> <ol style="list-style-type: none"> 1.) Time. It can take a significant amount of time to find records, depending on the request. Staff is limited. 2.) Trying to find older records that are not digitized and easily searchable. 3.) Trying to determine what is or is not public depending on the request. Obviously, we have a county attorney to consult on these matters.

If I understand correctly, the new legislation requires us to use the format requested by the person making the request. This could be very problematic for us. Some of our Public Records requests want reports in Excel. We don't always have the capability to do that and to transfer the records would be quite time consuming.

Emails are difficult to search. I don't always feel confident that all emails pertaining to a certain subject are identified, though we do our best.

I worry with the new legislation that the new public records custodian could be punished for another party's inability or unwillingness to comply with a public records request.

None at this time. The new legislation wasn't necessary and is difficult at the County level. Also, my answer is only for the [. . .] County Clerk and doesn't include "day to day business". Other offices will answer on their own.

THIS RESPONSE IS IN REGARDS TO SPECIAL PUBLIC RECORDS REQUESTS, RATHER THAN REGULAR DAY TO DAY REQUESTS. ALL OF OUR RECORDS ARE PUBLIC, SO THAT WOULD BE DAY TO DAY. HOWEVER, IF A PERSON WANTED A COPY OF ALL OF OUR ROAD FILES, THAT WOULD TAKE WEEKS TO PREPARE. THERE NEEDS TO BE SOME DEFINITION TO "REASONABLE" REQUESTS...

THERE NEEDS TO BE A DEFINITION OF WHAT IS "REASONABLE" FOR PUBLIC RECORDS REQUESTS. POSSIBLY A REQUIREMENT AS TO PURPOSE OF THE REQUEST.

Our software doesn't necessary produce the information being requested in the format that is being requested and turn-around time.

Top 3 Challenges: Conservation Districts	
1) Understanding what types of information are excluded from disclosure, 2) Staff time to research and assemble responses, 3) Response and completion timeframes	
Being a single person office, there really aren't any challenges	
Redacting personal identity info	
N/A	
Complying in a timely manner	
Our biggest challenge is time. The records can be found but it takes away from other work related activities that we are working on.	
Complexity of the request. Often not clear exactly what they want or what will suffice to meet the minimum requirements under the law.	
1) Lack of staff to retrieve and compile the information within the timelines 2) Board and Staff not understanding what information can be provided and what information is exempt (the Act is not clear in some cases) 3) Lack of legal advice on what can be included in policy for public records requests	
Information requested is not in a format that is easily obtained. It must be compiled using information from 2 different sources.	
Time	
limited staff; hours needed to format and look up state and federal statutes that allow me to withhold information and sign next to every entry that is not disclosed; not having a clear list of what information can be withheld.	
Time, vague requests, being treated like a criminal before we have time to comply	
1. One employee that works part time - during summer months very little time in the office. Worry that requests will not get noticed. 2. One part-time employee dealing with family health issues. Example - May, 2019 - 6 days of work time will be spent for medical care for family member. Worry that requests will not get noticed or responded to in time.	
Understanding what information is confidential/nondisclosable, the time to respond when there is only one person to do so, understanding the legalese language of the Act itself	
Based upon past experience in dealing with only one entity per year (and the same entity) I see no challenges.	
Staff time,	
1) Time spent compiling records to respond to the request. 2) Receiving requests from out of state organizations. 3) Time spent redacting private, confidential information.	

1. All of the information that has been requested to date is not readily available because we have to request it from our accountant. It will sometimes take several weeks to receive the information before we can forward it to the requestor.
2. Not all of the information requested is previously compiled.

Legitimate requests, time allowed to compile information

Top 3 Challenges: Weed and Pest Districts
Time, Sensitive Information, Legal
So far we have not had to deal with the public records requests.
<p>The risk of an email request from an unknown source being malware or damaging to a public computer.</p> <p>Making sure we do not release information that shouldn't be.</p> <p>Being able to respond and or comply timely to a records request during our busiest time of the year.</p>
<p>My biggest challenge is more of a "moral" challenge in that 100% of our records requests have come from out of state agencies (American Transparency). In my opinion these agencies [1] - are not impacted by the way the local tax payer dollars are spent, and [2] - shouldn't be interested in a tiny weed and pest (or any other special district or local entity for that matter) in Wyoming when they are from Florida, which leads to [3] - it makes me nervous what they are doing with the information required (ie: selling the information). That being said, I have no problem being transparent and overly cooperative with any local records request from someone paying taxes and directly impacted by how those tax dollars are spent.</p>
<p>Our only requests are from the state auditor because we accept grant monies. This is always in October when things slow down. No other requests.</p>
<p>1) What information can be given without violating the Privacy act.</p> <p>2) The timing of the request. It is much more difficult for me to comply with a request from May to September than it is during the winter months and I cannot have just one person that their sole purpose is records.</p> <p>3) Putting the information in a specific format has proven to be a challenge. The request from American Transparency in 2017, required accessing approximately 20 separate documents in order to get the requested information and over 8 staff hours.</p>
<p>All requests were from out of state entities requesting an electronic format that would have required extensive re-working of the requested documents. Upon informing entity that fees would be charged they did not respond.</p>
<p>The majority of our records are still in paper form and all requests were for digital format. Most of the requests came during our busy field season when it is hard to respond in a timely manner and still accomplish the work we need to accomplish in such a small window of time. Communication between requestor has been challenging at times when we do not have the format they want and I let them know sometimes I never here a response back on how they would like us to proceed.</p>
<p>Being asked to compile information into format(s) that it is not retained. If requests were simply for information we have, in the format in which we have it, it would be much easier to provide.</p>
<p>The specific information is not kept in a way to directly send to them</p> <p>We are asked to compile info in a specific way</p> <p>The ask comes during the busy time of year.</p>

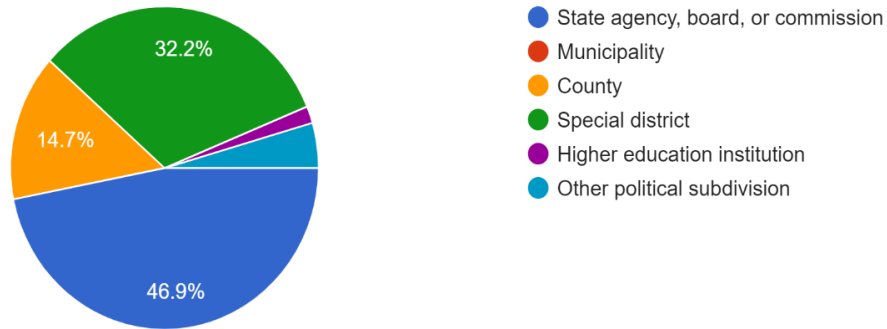
1. During the spray season it is hard to devote a lot of time to compiling and reviewing records without sacrificing on-the-ground work 2. Our board members feel it is a misuse of our staff's time to find, review, and compile records for an out of state, for-profit organization with no investment in [County] or Wyoming. This is especially so when such an organization reports that districts are non-compliant if the records they supply do not happen to be in the exact format that was requested. 3. During our slow season, our office may be minimally staffed, or not staffed at all for long periods of time.
Knowing legally the proper information to provide. Time taken away from daily duties. Wanting the information is a specific format rather than our standard format.
Time for generation. Ensuring HIPAA and non-public information is not disclosed. Concerns with spam email requests.
We have not had any challenges due to the fact we have only had one request and that was in 2017.
Older records not computerized, no time during busy season to complete request
TIME AWAY FROM REGULAR DUTIES

Top 3 Challenges: Other Special Districts	
During my time on the [. . .] Museum District Board of Trustees the District really did not face that many challenges complying with the Wyoming Public Records Act	
Budget, newspaper article	
We receive requests from American Transparency and respond requesting them to set an appointment to review/copy the records they are interested in and they never respond.	
Compiling copies to send to out of state requesters	
Understanding the law and regs.	
1) We are a 3 person volunteer board -so difficult to dedicate additional time to chasing down records 2) We have undergone the greatest personal property disaster in Wyoming history in the past year, so there are clearly higher priorities for this board. 3) The person who donates their time to this board is doing so for the 3 purposes it was established for: to maintain roads, to maintain fences, and to protect wildlife. No one appreciates spending additional time tracking down records.	
Not always in my office	
Volunteer 3 person board, no employees, time	
Lack of Records. Lack of required record knowledge. Lack of continuity in District Board personal.	
None	
We are a special fire district with a volunteer board and a very small budget - around \$30,000 per year. We have no full time staff or office; our secretary works from home on an as-needed basis. Our concerns are: (1) Correctly interpreting and complying the new law. We do not have in-house council and any money spent on lawyer fees takes money away from fire fighting efforts. (2) Volunteering for a special district board is a thankless task. It's hard enough to find volunteers without subjecting them to worrying about inadvertently running afoul of this law and being drug into court. We are completely different from state agencies with full-time staff and multi-million dollar budgets and should not have been lumped into this law with them. (3) Concern that these changes will open the floodgates to requests from out-of-state marketing firms posing as public do-gooders whose only intent is to sell our information for marketing purposes. To us, this seems a ridiculous waste of our taxpayers' money.	
We seldom receive a request.	
None	
Large bulk requests as we have a very small staff. Requests that insist on a specific program format.	

<p>We are a small office with a small administrative staff that supports three special districts and one non-profit business entity that all serve [a particular entity]. It can be difficult to respond to more detailed requests, especially when the information requested is not readily available in the format requested. For example, there would be significant time involved in creating the response to a request for a list of every expense over the past X years by vendor, date and project / purpose with corresponding budget codes for the expenses and contact details for the vendors. Even the technology and systems used in the course of business day to day cannot always easily or exactly produce the information in the format being requested. Is it possible to provide similar information without threat of penalty, we don't know. In addition, we do not really have the appropriate tools to easily search through, identify and share e-mails. Furthermore, there will always likely be some gray areas, so we consult with legal counsel as needed and this can add time and expense to the process, not to mention potential inconvenience to the requester if we initially suggest that a representative visit our office to actually review the public records on file. In conclusion, given we work closely with other [particular entity] special districts and [the county], we would like to be as consistent as possible with these entities with respect to how we respond.</p>
[. . .] Irrigation District had no challenges in complying with the Wyoming Public Records Act
Time allotted, Cost to District, Relevance
We don't understand it
<p>We have no paid staff so these requests require volunteers to do more work.</p> <p>We have a very limited budget so these requests can cause a strain on the budget.</p> <p>Internet requests for financial records require us to pay our accountant to tabulate causing financial strain on our system.</p>
<p>Could not get link to work until e-mailed directly to a board member.</p> <p>Did not know of request until April 26, 2019.</p>
Some forms did not provide good direction to enter required information. No other concerns
Our Board consists of volunteers and we are very small with no payroll. It seems rather needless to be reporting our financial information per the Public Records Act request.
We had no requests.
Not knowing updates as they are enacted.

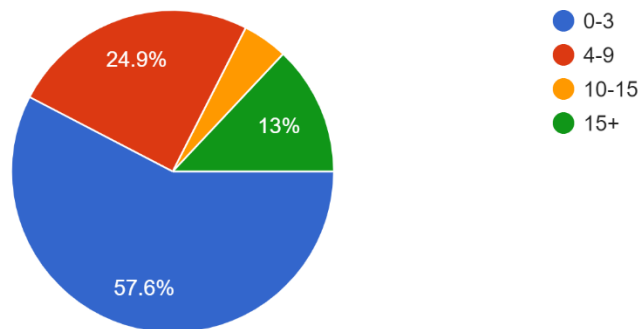
Type of Entity

177 responses



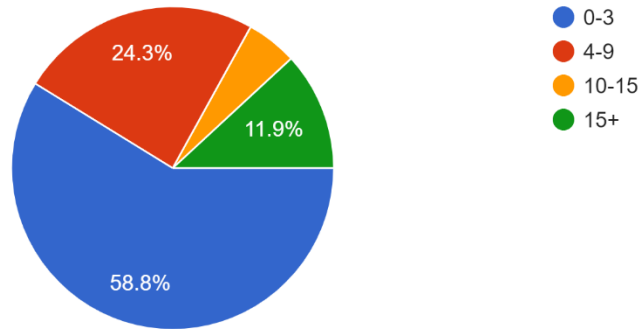
In 2018, approximately how many public records requests did you receive?

177 responses

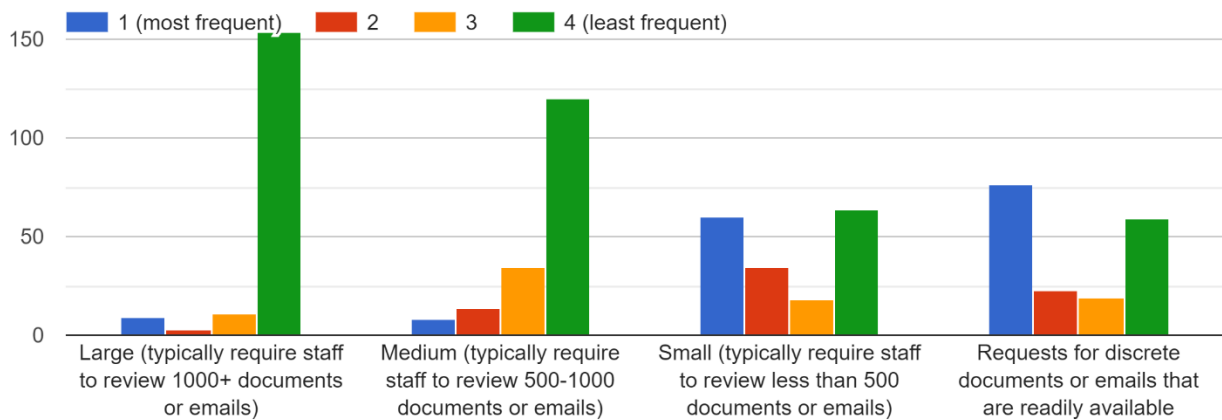


In 2017, approximately how many public records requests did you receive?

177 responses

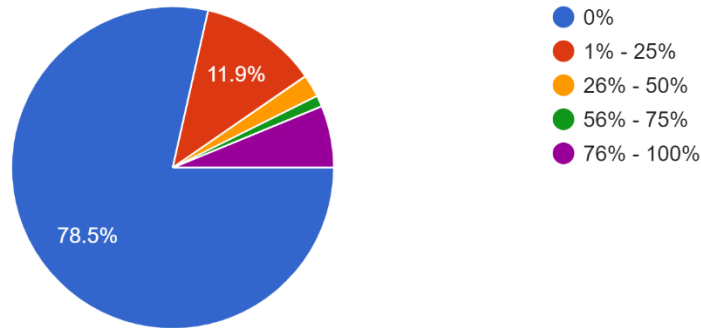


Please rank the average size of the requests you received in the last two years. (1 being the most frequent size ...ast frequent size of requests received)



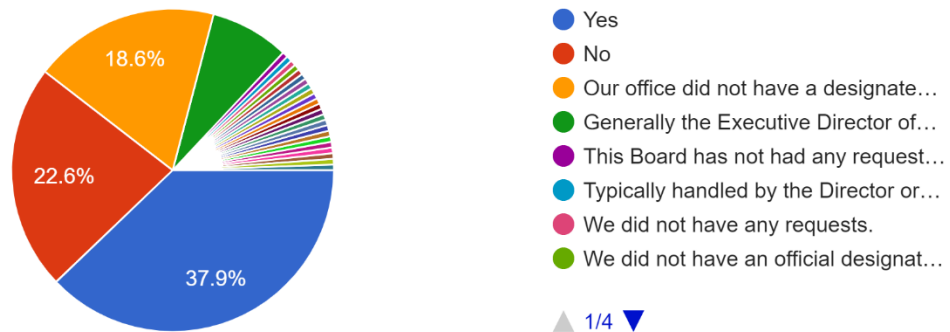
In the last two years, what percentage of public records requests have you charged fees for?

177 responses



In the last two years, did you have a designated person handle all public records requests?

177 responses



**The survey question allowed respondents to fill in their specific process, resulting in a variety of responses.*