

YOUTH SERVICES POLICY

Title: Requests and Collection of Fees for Copies of Public Records and Statistical Reports	Type: A. Administrative Sub Type: 3. Fiscal Number: A.3.3
	Page 1 of 5
References: La. R.S. 39:241; 44:31; 44.32; LAC Title 4, Chapter 3, Section 301 "Fees"; ACA Standards 2-CO-1B-05, 2-CO-1B-06, 2-CO-1F-06, 2-CO-1F-09, 2-CO-1F-12, 2-CO-1F-15 (Administration of Correctional Agencies) 4-JCF-6B-02, 4-JCF-6B-05, 4-JCF-6B-06, 4-JCF-6F-07 (Performance-Based Standards For Juvenile Correctional Facilities) and 2-7066 (Juvenile Probation and Aftercare Services"; YS Policy Nos. A.1.9 "Records Management and Retention", A.3.8 "Budget and Fiscal Management Activities", B.3.1" Secure Care Youth Records: Composition and Maintenance" and C.1.5 "Research"	
STATUS: Approved	
Approved By: <i>William A. Sommers, Deputy Secretary</i>	Date of Approval: 10/20/2020

I. AUTHORITY:

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. APPLICABILITY:

Deputy Secretary, Assistant Secretary, Undersecretary, Chief of Operations, Probation and Parole Director, Secure Facilities Director, Executive Management Advisor, Legal Services, Regional Directors, Facility Directors, and Regional Managers.

III. PURPOSE:

To establish guidelines for the requests of statistical information, to establish a fee schedule for copies of public records, and fees for producing statistical reports in accordance with state statutes.

IV. DEFINITIONS:

Digital Format – Digital data and/or images available electronically in digital formation.

Digital Image – An electronic data file consisting of digital data, that when reconstructed either on a display screen or hard copy print appears as the original document.

Public Records – Any document or group of documents (for example, a file) that has been used, prepared, processed or retained in use for the performance of any business or function performed under the authority of the Constitution or laws of this state unless excepted in the public records laws. Not all public records contain public information; some information is confidential. Some records are either entirely public or entirely confidential. An example of a confidential piece of information within a public record would be an employee's Social Security number.

Refer to Section IV of YS Policy No. A.1.9 for a more extensive definition of Public Records.

V. POLICY:

It is the Deputy Secretary's policy to provide public access to the demographic population profiles and management reports via the Internet at no cost. These profiles and reports can be found on the Youth Services' website at www.ojj.la.gov.

Individual requests for statistical information not otherwise available must be approved on a case-by-case basis by the Deputy Secretary/designee. The security of YS information and data collection system, including access to data, shall protect the privacy of youth and staff. Payment shall be based upon the actual cost of preparing the statistical report requested according to the procedures outlined in this policy.

Furthermore, it is the Deputy Secretary's policy to collect fees for the duplication of public records in accordance with the "Uniform Fee Schedule for Copies of Public Records" as set forth in the "Louisiana Administrative Code". This includes copies of records made accessible through the electronic network by scanning and forwarding via electronic mail (e-mail), and/or providing public records (i.e. digital images) in a digital format.

All income, which includes fees, shall have internal controls and be properly secured pursuant to YS Policy No. A.3.8.

The Deputy Secretary encourages and supports quality research that furthers the purpose and the mission of YS, while complying with federal and state law and protecting any participants. Requests for research projects involving the collection of or study of existing data, documents, records, etc. shall be pursuant to YS Policy No. C.1.5, and reviewed/approved by the Deputy Secretary.

VI. DUTIES AND RESPONSIBILITIES:

- A. The Undersecretary shall establish the appropriate process for documenting the duplication of public records and fees collected.
- B. Legal Services, Facility Directors, and Regional Managers shall ensure the duplication of YS records, the documentation of the transaction and the collection of fees from the requesting parties are pursuant to this policy.
- C. Public Safety Services, Office of Management and Finance (PSS/ OMF) shall be responsible for receiving and depositing fees collected for copies of public records.

VII. GENERAL PROCEDURES AND GUIDELINES:

- A. The following procedures shall be adhered to when providing statistical information stored in databases or in computer files in response to individual requests.
 - 1. Written inquiries for statistical information shall be addressed to the Undersecretary and must describe the request in complete detail. Electronic inquiries for statistical information shall be sent to the email address listed on the OJJ website at: <https://ojj.la.gov/record-inquirycustodian-of-records/>.
 - 2. Requests shall be approved on a case-by-case basis by the Deputy Secretary/designee.
 - 3. Upon approval, a cost estimate shall be provided. The requesting party shall be advised of the estimate, that it is an estimate, and that the actual cost for the statistical report, including programming costs, shall be charged if different from the estimate.
 - 4. A signed "Letter of Agreement for Statistical Information" [see Attachment A.3.3 (a)]; along with a check made payable to "Youth Services" shall be received before the request is to be processed.

5. Requests for information on an individual youth shall not be processed, pursuant to YS Policy No. B.3.1.

VIII. FEES FOR COPYING PUBLIC RECORDS AND PRODUCING STATISTICAL INFORMATION:

- A. The following uniform fee schedule shall be utilized for the duplication and/or reproduction of public documents throughout YS and is fixed by law (LAC Title 4, Chapter 3, Section 301 "Fees");

NOTE: Any fees charged in excess of the rule must be justified in writing and be approved by the Division of Administration.

1. For up to five (5) copies on paper up to 8 ½ x 14 inches: \$0.50 each page.
2. For more than five (5) copies on paper up to 8 ½ x 14 inches: \$0.25 each page.
3. For up to five (5) copies on paper larger than 8½ x 14 inches, the actual cost, but no less than: \$0.50 each page.
4. For more than five (5) copies on paper larger than 8½ x 14 inches, the actual cost, but no less than: \$0.35 each page.
5. Copies of preprinted computer-generated reports shall be at the same rate specified in 1 through 4 above.
6. Records for specialized programs on preprinted computer stock which require program modification to retrieve shall be charged at the actual cost, but no less than: \$2.00 each page.

NOTE: A two-sided copy is considered two pages.

- B. Individual requests for statistical information shall require a payment equal to the assigned programmer(s) and/or analyst(s) hourly pay rate, multiplied by the number of programmers and/or analyst(s) hours required to generate the request. (For example, the programmer earns \$35.00 per hour x 2 hours of computer processing time = \$70.00). Shipping charges shall be billed at cost

C. EXCEPTIONS WHICH APPLY TO PAYMENT OF FEES:

Copies of public records may be furnished without charge (or at a reduced charge) as follows:

1. To indigent citizens.
2. To persons whose use of such copies is limited to a public purpose, including but not limited to, use in a hearing before any governmental regulatory commission.
3. Law enforcement agencies are those agencies designed to enforce federal, state or municipal laws. [Examples are Sheriffs' offices, District Attorneys' offices, local and State Police departments, U.S. Attorney and Attorney General's offices, State Attorney General's office (including contract attorneys) and the United States Department of Justice].

- D. This schedule does not apply to copies of public records, the fees for the reproduction of which are otherwise fixed by the law, or to requests for copies from one state agency to another.

IX. RECORD KEEPING REQUIREMENTS:

- A. Duplication of public records and collection of fees shall be documented as established by the Undersecretary.
1. All duplication or reproduction of computer printouts and specialized programming transactions shall be documented.
 2. Payment for copies of YS public documents shall be made (by check or money order) payable to the Office of Juvenile Justice and submitted to the CO Administrative Program Director.

Previous Regulation/Policy Number: A.3.3

Previous Effective Date: 10/20/2020

Attachments/References: A.3.3(a) Letter of Agreement.docx

**Letter of Agreement for Statistical Information
YOUTH SERVICES
OFFICE OF JUVENILE JUSTICE
Post Office Box 66458
Baton Rouge, LA 70896
Fax Number: 225-287- 7969**

This form must be signed by an authorized individual, witnessed, and returned with your payment. The undersigned understands that requests for statistical information, not otherwise available, will require payment equal to the assigned programmer(s) and/or analyst(s) hourly pay rate multiplied by the number of programmers and/or analysts(s) hours required to generate the request. (For example, the programmer earns \$35.00 per hour x 2 hours of computer processing time = \$70.00).

The undersigned understands and agrees to accept responsibility to protect the privacy and security rights of individuals as required by Federal and State laws.

The undersigned will not sell any information received from Youth Services to any third party.

STATISTICAL INFORMATION REQUESTED: _____

Authorized Signature

Date

Witness

Approved (Deputy Secretary or Undersecretary)

Date