



## DCPS FREEDOM OF INFORMATION ACT (FOIA) FEES SCHEDULE

### General Guidelines

- a. In processing FOIA requests, DCPS is legally authorized to establish and collect fees for the reasonable, direct costs of search, duplication (copy), and/or review of requested records.
- b. DCPS may grant a fee waiver if DCPS determines that release of the requested records would primarily benefit the general public. This is commonly referred to as a “public interest” fee waiver. Requesters must submit fee waiver requests in writing along with the FOIA request. Fee waiver requests must include a description of why the fee waiver is being sought, including how the requested records will benefit the public.
- c. The fee rate for records searching is \$8.00 per quarter hour (15 minutes). The first hour of searching is free.
- d. The fee rate for document review is \$8.00 per quarter hour (15 minutes). The first hour of review is free.
- e. DCPS will provide all records electronically via email, Public Access Link through the District of Columbia FOIA portal (FOIAXpress), or other applicable document sharing services unless otherwise requested. There is no fee for providing electronic copies of records.
- f. Requesters seeking paper copies of records will be charged duplication fees as follows: \$.25 per copy.
- g. DCPS will not provide electronic copies of records on USB flash drives.
- h. DCPS may require advance payment if the requester has been delinquent with fee payment for previous FOIA requests or if the fee has been determined to exceed \$250.00.

**FOIA Requester Categories:** Pursuant to both the District of Columbia and Federal FOIA laws, there are three categories of FOIA requesters. DCPS reserves the right to seek clarification from requesters when necessary to ensure that requesters are classified under the appropriate category. FOIA fees are assessed depending upon the category that the requester falls under, as indicated in the below chart:

Requester Category	Fees Assessed
Commercial	Records Search, Document Review (Including Redactions), and Duplication (Paper Copies of Records)
Education/Media/Scientific	Duplication (Paper Copies of Records)

All Others	Records Search, and Duplication (Paper Copies of Records)
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- Commercial Requesters: commercial requesters are seeking records for purposes that further the commercial, trade or profit interests of the requester, or of the person/entity on whose behalf the request was made, including the furthering of commercial interests through litigation.
- Educational/Media/Non-Commercial Scientific:
  - i. Educational: education institution operating a program(s) of scholarly research. Research goals must be those of the institution and not the individual goal of the requester.
  - ii. Media: representative of the news media - any person/entity gathering information of potential interest to a segment of the public, using its editorial skills to turn the information into a distinct work and distribute to an audience. Freelance journalists are included upon demonstrating a solid basis for expecting publication through a news media entity. **Newsletters, blogs, websites and other publications do not automatically qualify for this category and will be evaluated by DCPS using applicable legal standards.**
  - iii. Non-commercial scientific: Institution operated for the sole purpose of conducting scientific research which does not intend to promote any particular product or industry.
- All others: includes private citizens and any other requester who does not fall into one of the other two requester categories.

### Definitions

- a. **Search:** time spent by DCPS program staff looking for information that is responsive to a FOIA request, including page-by-page/line-by-line identification of responsive information within documents.
- b. **Duplication:** duplication relates to the making of paper copies of responsive documents.
- c. **Review:** initial examination by the DCPS FOIA Officer or a designee for purposes of determining disclosure. Includes preparation of documents for release (redactions, bates-stamping, etc.). Does not include resolution of legal/policy issues regarding exemptions or reviewing of documents that are the subject of a FOIA appeal.

### Fee Waivers

DCPS may grant “public interest” fee waivers upon request. When making a fee waiver request, requesters must provide sufficient information for DCPS to be able to make a determination on

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granting the fee waiver. Determinations regarding the granting of fee waiver requests will be made by the DCPS FOIA Officer pursuant to the factors listed below:

1. Do the requested records concern clear and specific government operations or activities?
2. Will the requested records contribute to an understanding of those government operations or activities?
3. Will releasing the records cause the public as whole to have to have a better understanding of government operations?
4. Will the release of the requested records have a large impact on the public's understanding of government operations or activities as opposed to the public's understanding prior to release?
5. Does the request involve any commercial interest of the requester?
  - a. If yes, is the public interest in the release of the information more important than the requester's commercial interest?

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### Reference List of Legal Authorities

- D.C. Official Code §§2-532 (b), (b-1), (b-2), (b-3)
- 1 DCMR §408
- *Rozet v. Dept. of Housing and Urban Dev.*, 59 F. Supp. 2d 55 (D.D.C. 1999)
- *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282 (9<sup>th</sup> Cir. 1987)
- *Judicial Watch, Inc. v. United States Dept. of Justice*, 185 F. Supp. 2d 54 (D.D.C. 2002)
- *ACLU of Washington v. United States Dept. of Justice*; 2011 WL 887731, \*1 (W.D. Wash. 2011)
- *Muffoletto v. Sessions*, 760 F. Supp. 268 (E.D. N.Y. 1991)
- *Office of Management and Budget, Uniform Freedom of Information Act Fee Schedule and Guidelines* (1987)
- *United States Department of Justice Guide to the Freedom of Information Act: Fees and Fee Waivers* (2013)