

**State of Connecticut**  
**Commission on Human Rights and Opportunities**

Policy re: Expense of Copies and Scanning of Public Records

Effective August 1, 2018

The Commission on Human Rights Opportunities (“CHRO”) has adopted the following policies with regard to the expense of copying and scanning non-exempt public records responsive to requests made under the Connecticut Freedom of Information Act (“FOIA”).

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1. For copies of non-exempt records responsive to a FOIA request, the CHRO may require prepayment if the fee is estimated to be \$10 or more.<sup>1</sup>
2. Where a non-exempt record responsive to a FOIA request is only available in non-electronic form, or the requester does not have access to a computer, the CHRO will charge a fee of 25 cents per page copied.<sup>2</sup>
3. Where a non-exempt record responsive to a FOIA request is available in electronic form, the CHRO will provide an electronic copy of the record unless the requester does not have access to a computer or specifically requests that the record be provided in non-electronic form.<sup>3</sup>
  - a. The CHRO will not charge a fee for the provision of electronic records in electronic form where such records may be readily searched for and retrieved without the need for formatting or programming.
  - b. Where formatting or programming is required, the CHRO will charge an amount equal to the hourly salary of all CHRO employees that engaged in the formatting or programming.
  - c. If the requester requests that the electronic records be provided on a disc or other electronic storage device, the CHRO will charge a fee consisting of the actual cost of the disc or storage device.
  - d. If the requester does not have access to a computer or specifically requests that records be provided in non-electronic form, the CHRO will provide a non-electronic copy and charge a fee of 25 cents per page copied.
4. Where certified copies of non-exempt records responsive to a FOIA request are requested, the CHRO will charge \$1 for the first page of the certified copy, and 50 cents per page for each additional page after the first.<sup>4</sup>

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<sup>1</sup> Conn. Gen. Stat. § 1-212(c).

<sup>2</sup> Conn. Gen. Stat. § 1-212(a)(A).

<sup>3</sup> Conn. Gen. Stat. § 1-212(a); Conn. Gen. Stat. § 1-212(b); Conn. Gen. Stat. § 1-211(a).

<sup>4</sup> Conn. Gen. Stat. § 1-212(e).

5. Any individual may copy a non-exempt record responsive to a FOIA request through the use of a hand-held scanner.<sup>5</sup>
  - a. To the extent the records being scanned are already in non-electronic form and do not require the production of a non-electronic copy prior to being scanned, the CHRO will charge a fee of \$10 per instance in which the individual scans copies of records at the CHRO with a hand-held scanner.
  - b. To the extent the records are in electronic form or otherwise require the production of a non-electronic copy prior to being scanned, the CHRO will charge a fee of 25 cents per copied page to be scanned, but not to exceed \$20 per instance in which the individual scans copies of records at the CHRO with a hand-held scanner.
  
6. The CHRO will waive any fee provided for in this policy when the requester is an indigent individual.<sup>6</sup>
  - a. For members of the general public, an individual will be considered indigent by the CHRO if (1) such individual receives public assistance,<sup>6a</sup> or (2) such individual's income is less than the Federal Poverty Level in effect at the time of the request.
  - b. For inmates in the custody of the Connecticut Department of Correction, an individual will be considered indigent by the CHRO if such individual meets the definition of indigence utilized by the Department of Correction at the time of the request for indigent inmates making FOIA requests.<sup>6b</sup>

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<sup>5</sup> As used here, a "hand-held scanner" means a battery operated electronic scanning device the use of which (1) leaves no mark or impression on the record, and (2) does not unreasonably interfere with the operation of the CHRO. See Conn. Gen. Stat. § 1-212(g).

<sup>6</sup> Conn. Gen. Stat. § 1-212(d)(1).

<sup>6a</sup> As used here, "public assistance" includes, but is not limited to, state-administered general assistance, temporary family assistance, aid to the aged, blind, or disabled, supplemental nutrition assistance, or Supplemental Security Income.

<sup>6b</sup> See Dept. of Correction Administrative Directive 3.10.8.b.