

Public Information Requests Montana Department of Transportation Response Guidelines

- 1. Legal Background.** Article II, § 9 of the Montana Constitution and Mont. Code Ann. Title 2, Chapter 6, part 10, describe the requirements for responding to public records requests.
- 2. Director's Office Involvement.** All public records requests must be sent to the Professional Services Administrator for review and assignment.
- 3. Requests.** All persons requesting public information should be directed to the Public Information Request area of the MDT website. The requestor should complete the on-line form and submit it electronically. Names of individuals requesting public information are public information. The Department will accept requests in writing by personal delivery, postal mail, or fax from requestors without computer access.
- 4. Covered Charges.** Certain costs associated with fulfilling public records requests may be charged to the requestor pursuant to sections 2-6-1006, and 60-4-206 (2), MCA. These charges include, but are not limited to:
 - a. Custom computer programming;
 - b. Research and analysis;
 - c. Copying of electronic or paper records;
 - d. Services required of the State Information Technology Services Division;
 - e. Legal fees; and
 - f. Labor costs
- 5. Allowable Rates.** The Department will charge the following rates for the work associated with public records requests unless noted otherwise:
 - a. Copying**
 - i. Labor rate is based on a Band 3, Administrative Assistant, mid-point of the bi-annual salary survey. See Labor Costs Sheet attachment for current rates. This is for copying of electronic records.
 - ii. Cost for a paper copy is \$.35 a page. In the appropriate case, a requesting party may bring a copier to make copies of paper documents.
 - iii. Actual cost of electronic media, if provided, must be charged.
 - b. Custom computer programming by Department-ISD employee**

Pursuant to 2-6-1006(4) and (5), the Department is not required to alter or customize public information to provide it in a form specified to meet the needs of the requesting person. If the Department agrees to customize

reports, requestor must pay costs for custom computer programming. Labor rate is based on a Band 6, Computer Programmer.

c. Research and/or analysis

Research and/or analysis: Labor rate is based on either a Band 6 Management Analyst or the median level of a civil engineer. The Department's current rate applies whether the work involves paper or electronic records.

d. Legal Review and/or Redaction of Information

- i. Legal Review and/or Redaction of Information: Most public information requests will require legal review. If legal fees are charged, the rate is based on Band 8, Attorney. See Labor Costs Sheet attachment.

6. Actual Costs.

- a. All expenses must be reimbursed based on the actual cost of fulfilling the public records request, not on estimated costs.
- b. Requestor must submit payment with the invoice of estimated fees prior to commencement of work by MDT.
- c. Requestor must be informed if the fulfillment of the request is projected to exceed the estimated costs and must agree in writing to a new estimate before work continues.

7. Payment in Advance. All payments must be received by the Department and cleared for payment, prior to the release of the information to the requestor.

8. Disclaimer May be Required. The Department may add a disclaimer to the release of information.

9. Certification. The Department does not certify its public records. Request for special certification must be directed to and arranged by the Professional Services Administrator.

MDT PUBLIC RECORDS REQUEST LABOR COSTS

CURRENT SALARY INFORMATION

Date: May 24, 2021

The following are the current salary rates for the positions identified in MDT's Public Records Request Procedure:

Administrative Assistant, Band 3	\$17.73/hr
Civil Engineering Specialist Median of Level 1, 2, & 3	\$35.36/hr
Computer Programmer, Band 6	\$32.13/hr
Management Analyst, Band 6	\$28.17/hr
Attorney, Band 8	\$46.22/hr
Paralegal, Band 5	\$23.29 /hr