



GEORGIA FIRST  
AMENDMENT  
FOUNDATION

your right to know

Hollie Manheimer, Esq.  
Executive Director

June 25, 2008

Mr. John Millsaps  
Associate Vice Chancellor for Media & Publications  
Board of Regents  
270 Washington Street  
Atlanta, Georgia 30334

Dear Vice Chancellor Millsaps:

I am writing on behalf of the Georgia First Amendment Foundation. We are an organization that seeks to advance the cause of open government and monitors freedom of information issues throughout this state.

We have recently learned that your agency is charging fees that appear to be excessive for the release of documents subject to the Open Records Act. As you know, an "agency may charge and collect a uniform copying fee not to exceed 25 [cents] per page." See § O.C.G.A. 50-18-71©. In addition, "a reasonable charge may be collected for search [and] retrieval... The hourly charge shall not exceed the salary of the lowest paid full-time employee... who has the necessary skill and training to perform the request. See § 50-18-72(d); *Trammel v. Martin*, 200 Ga. App. 435 (1991) (attorney review time not permissible charge under the Open Records Act).

However, please note that the imposition of a fee is allowed only when the citizen requests documents that involve an unusual administrative cost or burden. See *McFrugal Rental of Riverdale, Inc. v. Garr*, 262 Ga. 369 (1992).

We are concerned that your fee charges are contrary to the state's Open Records Act and public policy. In sum, the Open Records Act is clear: "An agency shall utilize the most economical means available for providing copies of public records."

I have enclosed a copy of the 2008 *Georgia's Sunshine Laws: A Citizen's Guide to the Open Records Act*, which discusses this issue and well as other similar ones. We would appreciate an explanation as to what will be done to remedy this violation that goes against the interest of the public, and look forward to hearing from you at your earliest convenience in this regard. Thank you.

Sincerely,

Hollie Manheimer  
Executive Director

Cc: GFAP Board

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"Because public men and women are amenable 'at all times' to the people, they must conduct the public's business out in the open."  
The late Charles L. Weltner Sr., Chief Justice, Georgia Supreme Court