



**GEORGIA FIRST
AMENDMENT
FOUNDATION**
your right to know

October 9, 2008

Chief Stan Hooks
Smyrna Police Department
2646 Atlanta Road
Smyrna, Georgia 30080

Dear Chief Hooks:

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 may be charging fees that appear to be excessive for the release of documents subject to the Open Records Act, in addition to charging an arbitrary administrative fee. 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* O.C.G.A. § 50-18-72 (d). The law also specifies that the first 15 minutes of document search and retrieval time is **free**. *See Id.*

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." O.C.G.A. § 50-18-71 (e).

I have enclosed a copy of *Georgia Law Enforcement and 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. Thank you.

Sincerely,


Hollie Manheimer
Executive Director

Enclosure
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

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