

N.D.A.G. Letter to Whitman (Oct. 8, 1991)

October 8, 1991

Charlie Whitman
City Attorney
P.O. Box 5503
Bismarck, ND 58502

Dear Mr. Whitman:

Thank you for your September 18, 1991 letter asking for copies of recent letters or opinions concerning access to public records, specifically computer records, and whether a public entity may charge a fee for access to those records.

There are no recent letters or opinions dealing specifically with computer records. However, I have enclosed a copy of 1989 N.D. Op. Att'y Gen. 7, relating to whether public entities may assess a charge for access to public records.

I have also enclosed a copy of a 1983 opinion of former Attorney General Robert O. Wefald which discusses the ability of public entities to collect a fee for the reasonable cost of making public information, including information on magnetic tapes, available to the public. Letter from Attorney General Robert O. Wefald to Duane R. Liffbrig (December 19, 1983). These prior opinions, which conclude that a public entity may assess a reasonable charge for copying costs but may not assess an additional fee for access to public records unless such a charge is statutorily provided, apply to all public information and all public records, including information stored in computers.

I hope this information is helpful to you.

Sincerely,

Nicholas J. Spaeth

jfl
Enclosures