

N.D.A.G. Letter to Liffriq (Dec. 19, 1983)

December 19, 1983

Commissioner Duane R. Liffriq
Highway Department
Highway Building
Capitol Grounds
Bismarck, North Dakota 58505

Dear Duane:

This letter will confirm our recent conversation regarding whether any reasonable costs ought to be associated with the provision of information in bulk from public records to any member of the public. As you know, all records and information held by any agency or office of the State of North Dakota are public records open for public inspection and copying except insofar as there is a specific statutory or case law exception making a particular record confidential.

Driver's license information is not protected by case law or statutory exception and hence is part of the public record. This information about driver's licenses can be obtained by any member of the public. It is my opinion that insofar as a public agency incurs a cost in making this public information available, that the reasonable cost of doing so can be recovered. For instance, if a person wants to obtain a copy of a person's driver's license record, a two dollar fee is charged which appears to be altogether reasonable. Likewise, in the Motor Vehicle Department all of the motor vehicle registration information has been provided in bulk on several occasions at a charge of \$9.00 per thousand names. This information was given to the requesting party on magnetic tape. To generate a hard-copy list of the entire motor vehicle registration list would no doubt involve substantially more time and expense.

The point is simply that the State of North Dakota is not in the business of making money by selling information in public records that are available to any citizen. Insofar as any agency incurs costs and expenses associated with making public information available to the public, then the reasonable cost of doing so can be charged to the requesting party. The important thing is that public information be made available to the public upon request and that all parties requesting public information be treated fairly and evenhandedly. All public information is available to any member of the public and the only charge that can be made for providing this information is to allow the agency to recover the reasonable cost of providing this information.

It is my opinion, therefore, that you can cooperate with any party requesting information and provide driver's license information in bulk in whole or in part and, if you incur any expenses in doing so, that you can charge the reasonable cost of providing this information. It appears that at least with respect to the question of providing bulk lists on

magnetic tapes that the precedent of the Motor Vehicle Department's charge of \$9.00 per thousand names is entirely reasonable. I would be happy to advise you on a case-by-case basis insofar as you would like specific guidance on each request as it is made.

Sincerely,

Robert O. Wefald

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cc: Governor Allen I. Olson