

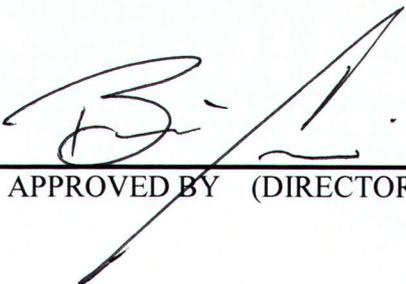
The Administrative Procedure Act requires the publication of substantive policy statement currently in use, including its full text, if practicable. (A.R.S. § 41-1091.01). Substantive policy statements are written expressions which inform the general public of an agency's current approach to rule or regulation practice. This substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona administrative procedure act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under section 41-1033, Arizona Revised Statutes, for a review of the statement.

## NOTICE OF SUBSTANTIVE POLICY STATEMENT

### ARIZONA RADIATION REGULATORY AGENCY

[ARRA 30.01]

- 1. Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:**  
Request to View Public Records
- 2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**  
Effective December 1, 1996
- 3. Summary of the contents of the substantive policy statement:**  
Provides information by which public records can be obtained; shows the cost and formats which can be used to provide the records.
- 4. A statement as to whether the substantive policy is a new statement or a revision:**  
This is a current policy statement.
- 5. The agency contact person who can answer questions about this substantive policy statement:**  
Name: Kari Watkins, Business Manager  
Address: Arizona Radiation Regulatory Agency  
4814 South 40<sup>th</sup> Street  
Phoenix, AZ 85040  
Telephone: (602) 255-4841

  
APPROVED BY (DIRECTOR)

11/30/16  
DATE

Policy Number 30.01  
Effective Date: December 1, 1996

Subject Title: Request to View Public Records

This policy provides guidance on responding to a request to review or obtain copies of the Agency's records. The policy is divided into two sections, one outlining the Agency's response to a request for records for a commercial purpose, the other to a request for records for a noncommercial purpose.

- A. Upon receiving a request by a member of the public for the Agency's records, the Agency shall respond in a reasonable and timely manner. The designated public Information Officer should be informed of the request.
- B. The first step of the Agency's response to the request is a determination of the purpose underlying the request. The Agency shall decide whether or not the request is for a commercial purpose.

(ARS § 39-121.03.E defines commercial purposes as the "Use of a public record for the purpose of sale or resale, or for the purpose of producing a document containing all or part of the copy, printout or photograph for sale, or the obtaining of names and addresses from such public records for the purpose of solicitation or the sale of such names and addresses to another for the purpose of solicitation or for any purpose in which the purchaser can reasonably anticipate the receipt of monetary gain from the direction or indirect use of public records.")

#### NON-COMMERCIAL REQUESTS:

If it is determined that the request is for a noncommercial purpose, the individual making the request shall fill out a "Request for Public Documents for a Non-commercial Purpose" form.

- A. Pursuant to advice from the Attorney General's office, the following material should be edited out of the public record prior to review or duplication.
  - 1. Communication between the Agency and the Attorney General's office (Attorney-client privilege).
  - 2. Medical records (Physician - Patient Privilege).
  - 3. Trade secrets, or proprietary information.

The appropriate program manager shall conduct a review of the record and highlight material to be edited out of the public record. The Director shall conduct the final review of the material to be edited out or emitted from the record.

- B. The Agency shall charge the individual a fee of 25 cents per page for reproduction costs in accordance with (ARS § 39-121.03.A).
- C. The completed "Request for Public Documents for a Non-Commercial purpose" form shall be filed in the public Document Request file.

COMMERCIAL REQUESTS:

If the request is for documents for a commercial purpose, the individual shall complete a form "Request for Public Documents for a Commercial Purpose". The form shall be filed in the Public Document Request file.

A. pursuant to advice from the Attorney General's office, the following material should be edited out of the public record prior to the public review or supplication:

1. Communication between the Agency and the Attorney General's office (Attorney-Client Privilege).
2. Medical records (Physician - Patient Privilege).
3. Trade secrets, or proprietary information.

The appropriate program manager shall conduct a review of the record and highlight material to be edited out of the public record. The Director shall conduct the "edit review" of the involved material.

B. Prior to making the copies of the requested information, the Agency staff member shall inform the individual making the request of the fees that the Agency charges for public documents requested for commercial purpose. The fee schedule for certificate, licensee or registrant lists is as follows:

# of pages Per list	Price per list
1. 1 through 20	\$ 25
2. 21 through 100	\$50
3. 101 through 500	\$100
4. 501 through 1500	\$150
5. 1501 and over	\$200

C. Refusal by the Agency to provide records for a commercial purpose is only authorized in ARS § 39-121.3.C, which prescribes that the public record custodian may apply to the Governor in instances where the custodian determines that the commercial purpose stated in the verified statement would be a misuse of public records, or is an abuse of the right to receive public records.

If the Agency staff member suspects that the purpose stated by the individual making the request is a misuse of public record, the Director shall be contacted immediately to discuss the concern to releasing the information.

D. All monies received for duplication or commercial lists shall be directed to Fiscal Services.