

PUBLIC RECORDS REPRODUCTION REQUEST

Information and Instructions

REQUESTING PARTY: PLEASE READ AND NOTE THE FOLLOWING

Pursuant to A.R.S. §39-121.03, Laws 1977, Chapter 54 §2 (effective 05/17/77), any person requesting copies, printouts or photographs of public records must provide a VERIFIED STATEMENT as to whether the use of such reproduction will be for COMMERCIAL or NON-COMMERCIAL purposes.

A person providing a verified statement that the reproduction will not be used for a commercial purpose will be furnished such reproduction as a reasonable fee, not exceeding a commercial rate for like services. A person providing a verified statement setting forth the commercial purpose for which the reproduction will be used may be furnished such reproductions at the discretion of the custodian of records for a charge reflecting the following:

1. A portion of the cost to the State of Arizona for obtaining the documents or records to be reproduced;
2. A reasonable fee covering the cost of time, equipment and personnel in making the reproductions; and
3. The value of the reproduction on the commercial market.

If the custodian of a public record believes that the commercial purpose of a reproduction is a misuse of public records or an abuse of the right to receive them, he or she may refuse a request for reproduction of such records for said commercial purpose and may request the Governor to prohibit the furnishing of reproductions for such commercial purposes by Executive Order. If an Executive Order is not issued within thirty days of the custodian's application, the requesting party will be furnished such reproductions for the commercial purpose set forth in his or her verified statement.

"Commercial purpose" is broadly defined by the Act as "any purpose in which the purchaser can reasonably anticipate the receipt of monetary gain from the direct or indirect use of such public records" (A.R.S. §39-121.03(E)). "commercial purpose" includes copies of records for sale or resale and copies of printouts of names and addresses for purposes of solicitation of business.

IMPORTANT: Subsection D or A.R.S. §39-121.03 provides that

...a person who obtains public records for a commercial purpose without indicating the commercial purpose or who obtains a public record for a non-commercial purpose or obtains a public records for a different commercial purpose or obtains a public record from anyone other than the custodian of such records and uses them for a commercial purpose shall, in addition to other penalties*, be liable to the State or to the political subdivision from which the public record would not have been provided had the commercial purpose of actual use been stated at the time of obtaining the records.

**** The penalty for perjury is a fine of not less than \$500 nor more than \$5,000, or state imprisonment for not less than one nor more than 14 years, or both.***