

Pima County Attorney's Office

**Information
and
Instructions
Regarding Public
Records Requests**



Pima County Attorney's Office
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www.pcao.pima.gov

The Pima County Attorney is a strong supporter of Arizona's Public Records Law and of transparency and openness in government. Most records and other matters in the Pima County Attorney's Office are open to the public.

How To Request Information

Individuals requesting to review records or to obtain copies of records must complete and sign a Public Records Reproduction Request form and must pay in advance for copies.

**Public Records Request Forms must be mailed to:
Pima County Attorney's Office attn: Barbara LaWall,
32 N. Stone, Suite 1400, Tucson, Arizona 85701
or faxed to: The Pima County Attorney's Office (520)-791-3946.**

Process for Researching Information

Existing records will be gathered and produced; however, new records will not be created in response to a public records request. The appropriate staff member will search for the requested records in an expeditious manner. There will be times when records have been archived and must be retrieved from an auxiliary location. There will be other times when the files are in several different locations, increasing the research time. Accordingly, the requesting individuals must allow sufficient time for records to be gathered. Once records have been retrieved, they must be reviewed to determine whether all or a portion of any records must be withheld by law. Sometimes certain information must be redacted before the record can be viewed by members of the public.

Non-Commercial Use

Individuals providing a certified statement that the information in the requested records will not be used for a commercial purpose who wish to receive copies of the requested public records will be provided with the copies upon payment of the appropriate fee.

Costs for non-commercial use are:

1. Xerox copies: 25 cents per page and \$10.00 per hour for personnel time for the copying

OR

2. Other forms of reproduction: Actual cost of the medium and reproduction

Commercial Purpose*

Pursuant to A.R.S. § 39-121.03, a person requesting copies, printouts or photographs of public records for a commercial purpose, shall upon making a request, provide a certified statement setting forth the commercial purpose for which the information will be used.

Individuals providing a certified statement setting forth a commercial purpose for the records sought will be provided with the information after review by the custodian of records to assure the commercial purpose is not a misuse of public records or an abuse of the right to receive them.

Costs for commercial use are:

1. Cost of reproduction;
2. A reasonable fee covering the cost of time, equipment and personnel in making the reproduction; and,
3. The value of reproduction on the commercial market.

Cost estimates for copies for commercial use will be provided before the copies or reproductions are made. Payment must be received before the information will be released.

Penalty for Commercial Misuse

There are penalties and liabilities for:

- obtaining a public record for a commercial purpose without indicating the commercial purpose
- obtaining a public record for a non-commercial purpose and using it for a commercial purpose
- obtaining a public record for a non-commercial purpose and knowingly allowing another to use it for a commercial purpose
- obtaining a public record from anyone other than the custodian of such records and using it for commercial purpose

Denial of Records For Commercial Purpose

If the custodian of public records believes that the commercial purpose for which reproduction is requested would be a misuse of the public records or an abuse of the right to receive them, the custodian may refuse the request and may ask the Governor to prohibit the furnishing of reproductions for such commercial purpose by Executive Order. If an Executive Order is not issued within thirty days of the custodian's application, the requesting party shall be furnished the reproductions for the commercial purpose set forth in the request upon payment of the required fee

Records and Information Which May Not Be Available

- Attorney-client privileged information
- Attorney work product
- Grand jury information
- Home addresses and telephone numbers from the personnel files of prosecutors
- Public employees' home addresses, telephone numbers, social security numbers, and dates of birth
- Names, addresses, and telephone numbers of crime victims
- Documents containing purely personal information
- Other information which is deemed to be confidential by law
- Information the disclosure of which would violate a protected privacy interest (such as medical records)
- Information whose release would be detrimental to the best interests of the government

The Pima County Attorney's Office has Public Records Request forms which must be completed for all public records requests.

Please contact the Pima County Attorney's Office at (520) 740-5600 and Public Records Request forms will be mailed or faxed for your use.

Public Records Request forms are also available at the Pima County Attorney's Office on the 14th floor and on the County Attorney's website at www.pcao.pima.gov

In completing these forms, please be specific in describing the particular records requested to avoid delay and the need for further communications and to assure compliance with your request.

"Commercial Purpose" means 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 public records for the purpose of solicitation or the sale of 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 direct or indirect use of the public record. Commercial purpose does not mean the use of a public record as evidence or as research for evidence in an action in any judicial or quasi-judicial body. A.R.S. § 39-121.03(D). **Gathering facts which may be newsworthy from public records is not a commercial purpose. *Star Publishing Co. v. Parks*, 178 Ariz. 604, 605, 875 P. 2d 837, 838 (Ct. App. 1993)**