

Pima County Attorney's Office

Information and Instructions Regarding Public Records Requests



Pima County Attorney's Office
32 N. Stone Ave.
Tucson, Arizona 85701
(520) 740-5600
FAX: (520) 740-5495
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 Request form and must pay in advance for copies. Please be as specific in your request as possible to ensure accuracy in the production of the records.

A completed and signed Public Records Request Form must be received through one of the following means:

Mailed to: Pima County Attorney's Office
Attn: Isabel Burruel Smutzer
32 N. Stone Avenue
Tucson, Arizona 85701

Faxed to: The Pima County Attorney's Office: (520) 740-5495

E-mailed to: Isabel.burruel-smutzer@pcao.pima.gov

Process for Researching Information

Existing records responsive to the public records request will be gathered and produced in the form that they exist. 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 There will be times when records have been archived and must be retrieved from an auxiliary location.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 time it takes to locate and gather the records. Accordingly, the requesting individuals must allow sufficient time for the search. 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. New records will not be created in response to a public records request.

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:

- \$0.35 per page and \$10.00 an hour for copying time for paper copies;
- \$5.00 per CD and \$10.00 an hour for downloading documents in electronic format; and/or
- The actual cost of the medium and the reproduction, for information in any other reproduction format.

Commercial Purpose

"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).

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. The actual hourly rate, including benefits, for staff and attorney time spent in locating the materials requested.
2. The actual hourly rate, including benefits, for all staff and attorney time spent in reviewing, redacting and copying the materials, plus overhead to defray the costs of the software, equipment and supplies necessary for the reproduction.
3. \$25.00 per CD containing information, \$0.35 per page for paper copies and the actual cost of the medium and the reproduction, for information in any other reproduction format.

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 Are Generally Not Subject to Public Release

- Attorney-client privileged information
- Attorney work product
- Grand jury information
- 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 deemed to be confidential by law
- Information the disclosure of which would violate a protected privacy interest (such as medical records) or that could lead to identity theft
- Information where release would be detrimental to the best interests of the government

The Pima County Attorney's Office has two Public Records Request forms:

- **PUBLIC RECORDS REQUEST/NON-COMMERCIAL PURPOSE**
- **PUBLIC RECORDS REQUEST/COMMERCIAL PURPOSE**

The applicable form must be completed for all public records requests.

It is important that your request be as detailed and specific as possible to avoid delay, to avoid the need for further communications prior to providing the requested records, and to assure compliance with your request.

The Public Records Request forms are available:

- On the Pima County Attorney's website: www.pcao.pima.gov
- By calling (520) 740-5600
- For pick up at the Pima County Attorney's Office in Tucson: 32 N. Stone, 14th Floor
- By e-mailing a request to: Isabel.burrue-smutzer@pcao.pima.gov