

RESOLUTION #2023-01

A resolution calling for legislation to protect public interest by lessening the burden of commercial public records requests on Alaska's local governments.

WHEREAS, the *Alaska Public Records Act* aims to promote government transparency by laying out requirements for public records requests for state agencies and local governments; and

WHEREAS, commercial firms, which send blanket requests for public records nationally, have proliferated with the development of the internet and since passage of the Act; and

WHEREAS, the *Alaska Public Records Act* currently requires local governments to provide up to five hours of staff time monthly for all requestors before fees can be assessed for a request – a requirement that national, commercial data firms take advantage of at the public's expense; and

WHEREAS, these requests use up valuable staff time in local governments across the state who have few employees, impeding the provision of key government services; and

WHEREAS, many states make provisions for the difference between individual, media, and commercial requests, and in- and out-of-state requests, with a fee and time structure responsive thereto; and

WHEREAS, the many local governments that have not already established their own processes for accepting requests, such as a request form, are potentially in violation of the Act if they do not respond to the flood of generic, spam-like email public records requests being distributed by these commercial firms and entities outside the state; and

WHEREAS, the U.S. Office of Management and Budget (OMB) established Fee Guidelines for the *Freedom of Information Act* that establishes a distinct Commercial Use Requestor fee category for these requests, which establishes fees for public records requests by those who seek records for "a use or purpose that furthers the commercial, trade, or profit interests of the requester"; and

WHEREAS, the OMB Fee Guidelines could be used as a framework for local governments and state agencies to be adequately compensated for work provided to commercial data firms, if the *Alaska Public Records Act* were amended to allow this.

NOW, THEREFORE BE IT RESOLVED, that the Alaska Municipal League supports amendments to the *Alaska Public Records Act* that protect public interest by lessening the burden of commercial or blanket public records requests on Alaska's local governments; and

BE IT FURTHER BE IT RESOLVED, that the Alaska Municipal League encourages the State to consider other actions that might help local governments manage invasive public records requests that take advantage of current public records laws without providing public benefit.