

Title 2 Administration  
Chapter 96  
Public Information

Article

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Annotations

Editor's note: As of Register 176 (January 2006), and acting under AS 44.62.125(b)(6), the regulations attorney relocated former 6 AAC 96 to 2 AAC 96, and made conforming technical changes, to reflect Executive Order 113 (2005). Executive Order 113 eliminated the Telecommunications Information Council and transferred its functions to the governor and to the Department of Administration. The history notes for provisions relocated to 2 AAC 96 carry forward the history from former 6 AAC 96. Before Register 132, January 1995, regulations regarding access to public information appeared at 6 AAC 95.

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Article 1  
Applicability and Purpose

Section

100. Applicability.
  110. Purpose.
- 2 AAC 96.100. Applicability

Statute text

(a) This chapter applies to

(1) requests made to a public agency for the disclosure of public records;

(2) the format used and the fees charged by a public agency in providing or disclosing public records; and

(3) the electronic services and products, including software copyrights, that a public agency may provide to access public records.

(b) Records that are readily available for public inspection are not subject to the procedures of this chapter. In this subsection, "readily available" means available during

state business hours in an agency's office or in a public library. Records that are readily available for public inspection include records in unrestricted state archives, state recorder offices; records pertaining to a public agency's regularly conducted and regularly recorded activities, including its adjudicatory proceedings; library books; books still in print; statutes; case law reporters; magazines; journals; published regulations; state land plats; natural resource case files; motor vehicle records; and treatises. If records that are defined as readily available under this subsection are withheld or access is denied, then the records are no longer considered to be readily available for public inspection.

(c) Notwithstanding this chapter, a public agency may adopt its own procedures for administrative appeals of a public agency's denial, in whole or part, of a public records request.

(d) This chapter does not prescribe substantive standards for determining if information and records are disclosable or nondisclosable.

(e) Except for the provisions of 2 AAC 96.240, 2 AAC 96.440, 2 AAC 96.450, and 2 AAC 96.460, this chapter does not apply to records of the Alaska Industrial Development and Export Authority. The procedures applicable to the Alaska Industrial Development and Export Authority are contained in the booklet entitled "Procedures for Inspection of Records" dated July 1, 1999, prepared by the Alaska Industrial Development and Export Authority and adopted by reference in this subsection.

#### History

History: Eff. 11/6/94, Register 132; am 6/22/2000, Register 154

#### Annotations

Authority: AS 40.25.110

AS 40.25.115

AS 40.25.120

AS 40.25.123

Editor's note: As of Register 176 (January 2006), and acting under AS 44.62.125(b)(6), the regulations attorney relocated former 6 AAC 96.100 to 2 AAC 96.100, and made conforming technical changes to 2 AAC 96.100(e), to reflect Executive Order 113 (2005). Executive Order 113 eliminated the Telecommunications Information Council and transferred its functions to the governor and to the Department of Administration. The history note for 2 AAC 96.100 carries forward the history from former 6 AAC 96.100.

As of Register 158 (July 2001), the regulations attorney made technical revisions under AS 44.62.125(b)(6), to reflect the 2000 renumbering of former AS 09.25.100 - 09.25.220 by the revisor of statutes. The provisions of former AS 09.25.100 - 09.25.220 were relocated to AS 40.25.100 - 40.25.220.

The Alaska Industrial Development and Export Authority's Procedures for Inspection of Records, adopted by reference in 2 AAC 96.100(e), is available on the authority's website, at the following Internet address: <http://www.aidea.org/statutes.html>

## 2 AAC 96.110. Purpose

### Statute text

The purpose of this chapter is to ensure that requests for disclosure of public records and for electronic services and products are handled in a timely, reasonable, and responsive manner, without infringing on the established legal rights of a person.

### History

History: Eff. 11/6/94, Register 132

### Annotations

Authority: AS 40.25.110

AS 40.25.115

AS 40.25.120

AS 40.25.123

Editor's note: As of Register 176 (January 2006), and acting under AS 44.62.125(b)(6), the regulations attorney relocated former 6 AAC 96.110 to 2 AAC 96.110, to reflect Executive Order 113 (2005). Executive Order 113 eliminated the Telecommunications Information Council and transferred its functions to the governor and to the Department of Administration. The history note for 2 AAC 96.110 carries forward the history from former 6 AAC 96.110.

As of Register 158 (July 2001), the regulations attorney made technical revisions under AS 44.62.125(b)(6), to reflect the 2000 renumbering of former AS 09.25.100 - 09.25.220 by the revisor of statutes. The provisions of former AS 09.25.100 - 09.25.220 were relocated to AS 40.25.100 - 40.25.220.

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## Article 2

### Disclosure Requirements

#### Section

200. Public information principles.

210. Access to records; rights; requirements; format.

220. Requestor's justification or need for records.

230. Nondiscrimination.

240. Reasonable fees required.

2 AAC 96.200. Public information principles

### Statute text

(a) It is the policy of the executive branch of government to disclose public records and to provide copies of those records in an expeditious manner. Disclosing public records

and making copies of them upon payment of the required fees, if any, is a public agency obligation.

(b) It is the policy of the executive branch of government to limit the collection of personal information only to that data necessary for the efficient administration of a public agency.

(c) To ensure that public information is widely available to the public, public agencies are to comply with AS 40.25.115(e) regarding submission of information to the Alaska State Library about

(1) public information that a public agency collects, compiles, or publishes, including information regarding databases used by the agency to maintain public records; and

(2) information about the electronic services and products routinely provided to the public, the public agency shall provide information to the Alaska State Library when electronic services and products are made available to the public and when electronic services or products of that public agency are substantially modified.

#### History

History: Eff. 11/6/94, Register 132

#### Annotations

Authority: AS 40.25.110

AS 40.25.115

AS 40.25.120

AS 40.25.123

Editor's note: As of Register 176 (January 2006), and acting under AS 44.62.125(b)(6), the regulations attorney relocated former 6 AAC 96.200 to 2 AAC 96.200, to reflect Executive Order 113 (2005). Executive Order 113 eliminated the Telecommunications Information Council and transferred its functions to the governor and to the Department of Administration. The history note for 2 AAC 96.200 carries forward the history from former 6 AAC 96.200.

As of Register 158 (July 2001), the regulations attorney made technical revisions under AS 44.62.125(b)(6), to reflect the 2000 renumbering of former AS 09.25.100 - 09.25.220 by the revisor of statutes. The provisions of former AS 09.25.100 - 09.25.220 were relocated to AS 40.25.100 - 40.25.220.

2 AAC 96.210. Access to records; rights; requirements; format

Statute text

(a) Subject to the provisions of AS 40.25.110 - 40.25.220, a public record maintained by a public agency is available for inspection and copying in the format in which that agency maintains or disseminates the record. A public agency shall duplicate and provide copies of a public record upon request and upon payment of the applicable fee as described by this chapter.

(b) A public agency is not required to compile or summarize its public records in response to a request for public records.

(c) A public agency is not required to manipulate its data to create new records in response to a request for public records. A public agency may manipulate its data to create electronic services and products if

(1) the public agency can do so without impairing its functioning;

(2) the data is protected from intentional or accidental modification or destruction; and

(3) the requestor pays for the cost of developing the requested electronic service or product, based on fees established by the public agency under 2 AAC 96.460.

(d) When providing public records or electronic services or products, a public agency shall ensure that access to confidential information and proprietary software is protected. Except as provided by law, if the request is for a public record that contains confidential information, the public agency shall delete or mask the nondisclosable confidential information and provide the requested public records upon payment of the applicable fee as described in 2 AAC 96.360.

#### History

History: Eff. 11/6/94, Register 132

#### Annotations

Authority: AS 40.25.110

AS 40.25.115

AS 40.25.120

AS 40.25.123

Editor's note: As of Register 176 (January 2006), and acting under AS 44.62.125(b)(6), the regulations attorney relocated former 6 AAC 96.210 to 2 AAC 96.210, and made conforming technical changes to 2 AAC 96.210(c)(3) and (d), to reflect Executive Order 113 (2005). Executive Order 113 eliminated the Telecommunications Information

Council and transferred its functions to the governor and to the Department of Administration. The history note for 2 AAC 96.210 carries forward the history from former 6 AAC 96.210.

As of Register 158 (July 2001), the regulations attorney made technical revisions under AS 44.62.125(b)(6), to reflect the 2000 renumbering of former AS 09.25.100 - 09.25.220 by the revisor of statutes. The provisions of former AS 09.25.100 - 09.25.220 were relocated to AS 40.25.100 - 40.25.220.

## 2 AAC 96.220. Requestor's justification or need for records

### Statute text

All disclosable public records must be made available upon request and upon compliance with the requirements of AS 40.25.110 - AS 40.25.125 and this chapter. A public agency may not request a justification or explanation of need or intended use, but a public agency may inquire whether the person making the request is a party, or represents a party, involved in litigation with the state or a public agency to which the requested record is relevant. If so, the requestor shall be informed to make the request in accordance with applicable court rules.

### History

History: Eff. 11/6/94, Register 132

### Annotations

Authority: AS 40.25.110

AS 40.25.120

AS 40.25.122

AS 40.25.123

Editor's note: As of Register 176 (January 2006), and acting under AS 44.62.125(b)(6), the regulations attorney relocated former 6 AAC 96.220 to 2 AAC 96.220, to reflect Executive Order 113 (2005). Executive Order 113 eliminated the Telecommunications Information Council and transferred its functions to the governor and to the Department of Administration. The history note for 2 AAC 96.220 carries forward the history from former 6 AAC 96.220.

As of Register 158 (July 2001), the regulations attorney made technical revisions under AS 44.62.125(b)(6), to reflect the 2000 renumbering of former AS 09.25.100 - 09.25.220 by the revisor of statutes. The provisions of former AS 09.25.100 - 09.25.220 were relocated to AS 40.25.100 - 40.25.220.

## 2 AAC 96.230. Nondiscrimination

### Statute text

When providing public records or electronic services and products, a public agency may not discriminate among requestors or classes of requestors, such as academic researchers, state and federal agencies, members of the public, news organizations, genealogists, or nonprofit groups.

## History

History: Eff. 11/6/94, Register 132

## Annotations

Authority: AS 40.25.110

AS 40.25.115

AS 40.25.120

AS 40.25.123

Editor's note: As of Register 176 (January 2006), and acting under AS 44.62.125(b)(6), the regulations attorney relocated former 6 AAC 96.230 to 2 AAC 96.230, to reflect Executive Order 113 (2005). Executive Order 113 eliminated the Telecommunications Information Council and transferred its functions to the governor and to the Department of Administration. The history note for 2 AAC 96.230 carries forward the history from former 6 AAC 96.230.

As of Register 158 (July 2001), the regulations attorney made technical revisions under AS 44.62.125(b)(6), to reflect the 2000 renumbering of former AS 09.25.100 - 09.25.220 by the revisor of statutes. The provisions of former AS 09.25.100 - 09.25.220 were relocated to AS 40.25.100 - 40.25.220.

## 2 AAC 96.240. Reasonable fees required

### Statute text

(a) A public agency may establish a fee schedule for duplicating public records, and shall establish a fee schedule for providing electronic services and products. Fees shall be consistent with AS 40.25.110, AS 40.25.115, and this chapter.

(b) The fees developed by a public agency to provide electronic services and products may not be set at a level necessary to recover all development and operational costs of the public agency's information system, unless the system exists solely for responding to requests for public records.

(c) Fees may not be assessed as a condition of inspecting public records if the public agency receiving the request does not incur costs to search for the requested public record.

## History

History: Eff. 11/6/94, Register 132

## Annotations

Authority: AS 40.25.110

AS 40.25.120

AS 40.25.123

Editor's note: As of Register 176 (January 2006), and acting under AS 44.62.125(b)(6), the regulations attorney relocated former 6 AAC 96.240 to 2 AAC 96.240, to reflect Executive Order 113 (2005). Executive Order 113 eliminated the Telecommunications Information Council and transferred its functions to the governor and to the Department of Administration. The history note for 2 AAC 96.240 carries forward the history from former 6 AAC 96.240.

As of Register 158 (July 2001), the regulations attorney made technical revisions under AS 44.62.125(b)(6), to reflect the 2000 renumbering of former AS 09.25.100 - 09.25.220 by the revisor of statutes. The provisions of former AS 09.25.100 - 09.25.220 were relocated to AS 40.25.100 - 40.25.220.

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## Article 3

### Requests for Public Records

#### Section

- 300. Records prepared for routine distribution.
- 305. Place to file.
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- 315. Description of records sought.
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- 325. Response to request; time limits.
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- 335. Denial of request.
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- 345. Appeal determinations; time allowed; by whom made.
- 350. Contents of determination denying appeal.
- 355. Records in electronic form.
- 360. Copies and fees.
- 2 AAC 96.300. Records prepared for routine distribution

#### Statute text

A request for production of materials prepared by a public agency for routine public distribution, including pamphlets, published maps, copies of speeches, press releases, educational materials, blank forms and applications, must be honored and the information supplied in reasonable quantities as determined by the public agency. The public agency may set a reasonable limit on the number of copies of materials that the public agency provides in response to a request under this section. The public agency may take into account its existing stock of the materials in determining that limit. No determination under 2 AAC 96.325 - 2 AAC 96.335 is necessary in these cases, since preparation of the records for routine public distribution itself constitutes a determination that the records are disclosable. Copies must be furnished with reasonable promptness in response to the request.

#### History

History: Eff. 11/6/94, Register 132

Annotations

Authority: AS 40.25.110

AS 40.25.120

AS 40.25.123

Editor's note: As of Register 176 (January 2006), and acting under AS 44.62.125(b)(6), the regulations attorney relocated former 6 AAC 96.300 to 2 AAC 96.300, and made conforming technical changes to 2 AAC 96.300, to reflect Executive Order 113 (2005). Executive Order 113 eliminated the Telecommunications Information Council and transferred its functions to the governor and to the Department of Administration. The history note for 2 AAC 96.300 carries forward the history from former 6 AAC 96.300. As of Register 158 (July 2001), the regulations attorney made technical revisions under AS 44.62.125(b)(6), to reflect the 2000 renumbering of former AS 09.25.100 - 09.25.220 by the revisor of statutes. The provisions of former AS 09.25.100 - 09.25.220 were relocated to AS 40.25.100 - 40.25.220.

2 AAC 96.305. Place to file

Statute text

A request for a public agency record may be filed at the nearest office of that public agency.

History

History: Eff. 11/6/94, Register 132

Annotations

Authority: AS 40.25.110

AS 40.25.120

AS 40.25.123

Editor's note: The addresses of principal agency offices are listed in the Directory of State Officials, compiled by the Legislative Affairs Agency semiannually. A copy of that document may be requested from the Legislative Affairs Agency, 130 Seward St., Juneau, AK 99801-2197. The Directory of State Computer Applications and Telecommunications Facilities, compiled by the Division of Information Services, Department of Administration, P.O. Box 110206, Juneau, AK 99811-0206, also includes agency contact information and a description of state databases.

As of Register 176 (January 2006), and acting under AS 44.62.125(b)(6), the regulations attorney relocated former 6 AAC 96.305 to 2 AAC 96.305, to reflect Executive Order 113 (2005). Executive Order 113 eliminated the Telecommunications Information Council and transferred its functions to the governor and to the Department of Administration. The history note for 2 AAC 96.305 carries forward the history from former 6 AAC 96.305.

As of Register 158 (July 2001), the regulations attorney made 2000 renumbering of former AS 09.25.100 - 09.25.220 by the revisor of statutes. The provisions of former AS 09.25.100 - 09.25.220 were relocated to AS 40.25.100 - 40.25.220.

## 2 AAC 96.310. Form of request

### Statute text

(a) Except as otherwise provided by this chapter, a request to a public agency for a public record must be in writing. Request forms may be provided by a public agency, but a request may not be denied solely because it is not on that form. If a request includes a stamped, addressed postcard, the public agency shall promptly use it to acknowledge the date of receipt of the request.

(b) An oral request for records is considered a valid request under this chapter. Upon receipt of an oral request, a public agency shall inform the requestor of the provisions of this section. If the request involves a variety of records, a public agency may require that the request be submitted in writing.

(c) An oral request is deemed denied if not granted within five working days after the office of the public agency responsible for maintaining the requested records receives the request, excluding the request day and including the following five working days. The decision to grant or deny an oral request is within the sole discretion of the public agency. A requestor's only remedy if the oral request is denied is to make a written request in accordance with (a) of this section.

(d) If a requestor making an oral request for public records is unable to write a request due to a physical or mental disability, the public agency shall either assist the requestor in preparing a written request or treat the oral request as a written request.

### History

History: Eff. 11/6/94, Register 132

### Annotations

Authority: AS 40.25.110

AS 40.25.120

AS 40.25.123

Editor's note: As of Register 176 (January 2006), and acting under AS 44.62.125(b)(6), the regulations attorney relocated former 6 AAC 96.310 to 2 AAC 96.310, to reflect Executive Order 113 (2005). Executive Order 113 eliminated the Telecommunications Information Council and transferred its functions to the governor and to the Department of Administration. The history note for 2 AAC 96.310 carries forward the history from former 6 AAC 96.310.

As of Register 158 (July 2001), the regulations attorney made technical revisions under AS 44.62.125(b)(6), to reflect the 2000 renumbering of former AS 09.25.100 - 09.25.220 by the revisor of statutes. The provisions of former AS 09.25.100 - 09.25.220 were relocated to AS 40.25.100 - 40.25.220.

## 2 AAC 96.315. Description of records sought

### Statute text

(a) A requestor must describe the public records sought in sufficient detail to enable the public agency to which the request is made to locate the records. The public agency shall make reasonable efforts to assist in the identification and description of records sought, and to assist the requestor in formulating the request. If the records are described in general terms, the agency shall attempt to communicate with the requestor in order to identify the public records requested, speed the response, and lessen the administrative burden of processing an overly broad request. These attempts may not be used as a means to discourage requests.

(b) If a public agency determines that the description of the records sought by the request is not sufficient to allow the public agency to identify the requested records, that agency shall, no later than 10 working days after receipt of the request, notify the requestor that the request cannot be processed until additional information is furnished. Time limits set out in this chapter do not begin to run until a sufficient description of the records is received in the office of the public agency responsible for maintaining the records.

### History

History: Eff. 11/6/94, Register 132

### Annotations

Authority: AS 40.25.110

AS 40.25.120

AS 40.25.123

Editor's note: As of Register 176 (January 2006), and acting under AS 44.62.125(b)(6), the regulations attorney relocated former 6 AAC 96.315 to 2 AAC 96.315, to reflect Executive Order 113 (2005). Executive Order 113 eliminated the Telecommunications Information Council and transferred its functions to the governor and to the Department of Administration. The history note for 2 AAC 96.315 carries forward the history from former 6 AAC 96.315.

As of Register 158 (July 2001), the regulations attorney made technical revisions under AS 44.62.125(b)(6), to reflect the 2000 renumbering of former AS 09.25.100 - 09.25.220 by the revisor of statutes. The provisions of former AS 09.25.100 - 09.25.220 were relocated to AS 40.25.100 - 40.25.220.

## 2 AAC 96.320. Initial action upon receipt of a request

#### Statute text

(a) Except for requests governed by 2 AAC 96.300, a public agency shall maintain a log of each written request for public records that it receives. The log must include the date the request was received by the public agency, the name of the requestor, a notation on whether notice of receipt was sent to the requestor under 2 AAC 96.310, and the date that additional information, if required, was requested under 2 AAC 96.315. If the request is received by the office of the public agency that does not maintain the requested records, the receiving office shall promptly forward the request to the office responsible for maintaining those records.

(b) The log of requests for public records is a public record. It must be preserved, included as a separate item on the public agency's record retention schedules, and provided upon request in accordance with this chapter.

#### History

History: Eff. 11/6/94, Register 132

#### Annotations

Authority: AS 40.25.110

AS 40.25.120

AS 40.25.123

#### Editor's note:

As of Register 176 (January 2006), and acting under AS 44.62.125(b)(6), the regulations attorney relocated former 6 AAC 96.320 to 2 AAC 96.320, and made conforming technical changes to 2 AAC 96.320, to reflect Executive Order 113 (2005). Executive Order 113 eliminated the Telecommunications Information Council and transferred its functions to the governor and to the Department of Administration. The history note for 2 AAC 96.320 carries forward the history from former 6 AAC 96.320.

As of Register 158 (July 2001), the regulations attorney made technical revisions under AS 44.62.125(b)(6), to reflect the 2000 renumbering of former AS 09.25.100 - 09.25.220 by the revisor of statutes. The provisions of former AS 09.25.100 - 09.25.220 were relocated to AS 40.25.100 - 40.25.220.

2 AAC 96.325. Response to request; time limits

#### Statute text

(a) Except as otherwise provided in this section, as soon as practicable, but not later than the 10th working day after the date the agency receives a request for public records that complies with this chapter, the public agency shall

(1) furnish all requested records that are disclosable; and

(2) advise the requestor which of the requested records are nondisclosable, if any, and the specific legal authority and specific facts supporting nondisclosure.

(b) If the public agency decides that a public record is, in fact, a request for electronic services and products, the public agency shall advise the requestor of its decision within 10 working days after receipt of a request and the reasons for this decision.

(c) Any time that elapses between the time a requestor is sent notice that processing the request will generate chargeable fees and the time the requestor makes suitable arrangement for payment of those fees under 2 AAC 96.355 and 2 AAC 96.360 is excluded from the 10-working-day period of (a) of this section, or any extension of that period.

(d) A public agency may extend the basic 10-working-day period established under (a) of this section for a period not to exceed 10 additional working days by providing notice to the requestor within the basic 10-working-day period. The notice must state the reasons for the extension and the date by which the office expects to be able to furnish the requested records or to issue a determination that the records are not disclosable. The notice must include a statement that the extension is not invoked for purposes of delay. The basic 10-day period may be extended only when one or more of the following circumstances exist, and then only as to those specific documents within the request as to which the circumstances apply:

(1) there is a need to search for and collect the requested records from field or other offices that are separate from the office responsible for maintaining the records;

(2) there is a need to search for, collect, and examine a voluminous amount of separate and distinct records sought in a single request;

(3) there is a need for consultation with an officer or employee who is absent on approved leave or official business;

(4) the basic response period comes during a peak workload period; or

(5) there is a need to consult with legal counsel to ensure that protected interests of private or government persons or entities are not infringed.

(e) If a search or copying task will, within the 10-day period and any authorized extension under (d) of this section, substantially impair the other functions of the public agency or an office responsible for maintaining the requested records, the agency head may request an additional extension from the attorney general. Upon receipt of a request for an additional extension, the attorney general shall promptly give the requestor and the agency an opportunity to be heard. The attorney general shall tender a speedy decision. The attorney general may grant an extension only to the public agency in extraordinary circumstances and only for the minimum period determined by the attorney general to be required to complete the search or copying of the public records without substantial impairment of the other public agency functions.

(f) A public agency shall give a written response granting or denying a written request for public records within the prescribed time limit. If a response is not received by a requestor by the expiration of the time limit, the requestor may consider the request denied.

(g) The time limits set out in this section do not apply if the requestor agrees in writing that the requested records need not be supplied until a specified date. If the requestor does not agree in writing to an extension of time beyond that date, an extension beyond the specified date is governed by (d) and (e) of this section.

#### History

History: Eff. 11/6/94, Register 132

#### Annotations

Authority: AS 40.25.110

AS 40.25.120

AS 40.25.123

Editor's note: As of Register 176 (January 2006), and acting under AS 44.62.125(b)(6), the regulations attorney relocated former 6 AAC 96.325 to 2 AAC 96.325, and made conforming technical changes to 2 AAC 96.325(c), to reflect Executive Order 113 (2005). Executive Order 113 eliminated the Telecommunications Information Council and transferred its functions to the governor and to the Department of Administration. The history note for 2 AAC 96.325 carries forward the history from former 6 AAC 96.325.

As of Register 158 (July 2001), the regulations attorney made technical revisions under AS 44.62.125(b)(6), to reflect the 2000 renumbering of former AS 09.25.100 - 09.25.220 by the revisor of statutes. The provisions of former AS 09.25.100 - 09.25.220 were relocated to AS 40.25.100 - 40.25.220.

2 AAC 96.330. Deletion of nondisclosable information

Statute text

(a) If a record contains both disclosable and nondisclosable information, the nondisclosable information must be segregated and withheld and the disclosable information must be disclosed. If the disclosable portions of a record cannot reasonably be segregated from the nondisclosable portions in a manner that allows information meaningful to the requestor to be disclosed, the public agency may not disclose the record.

(b) If an electronic file or database contains both nondisclosable and disclosable records, a public agency must

(1) delete or mask the nondisclosable information before releasing the requested record;  
or

(2) write a program to extract the requested disclosable public records from the electronic file or data base.

(c) Masking or deleting nondisclosable information does not constitute providing an electronic service or product. Except as provided by 2 AAC 96.355 or other law, a fee charged shall be consistent with 2 AAC 96.360.

#### History

History: Eff. 11/6/94, Register 132

#### Annotations

Authority: AS 40.25.110

AS 40.25.115

AS 40.25.123

Editor's note: As of Register 176 (January 2006), and acting under AS 44.62.125(b)(6), the regulations attorney relocated former 6 AAC 96.330 to 2 AAC 96.330, and made conforming technical changes to 2 AAC 96.330(c), to reflect Executive Order 113 (2005). Executive Order 113 eliminated the Telecommunications Information Council and transferred its functions to the governor and to the Department of Administration. The history note for 2 AAC 96.330 carries forward the history from former 6 AAC 96.330.

As of Register 158 (July 2001), the regulations attorney made technical revisions under AS 44.62.125(b)(6), to reflect the 2000 renumbering of former AS 09.25.100 - 09.25.220 by the revisor of statutes. The provisions of former AS 09.25.100 - 09.25.220 were relocated to AS 40.25.100 - 40.25.220.

2 AAC 96.335. Denial of request

Statute text

(a) A request for a public record that complies with this chapter may be denied only if

(1) the record is not known to exist after the public agency makes a diligent search for it;

(2) the record is not in the public agency's possession, and after a diligent search the public agency does not know where the record is to be found;

(3) the record has been destroyed in accordance with an applicable record-retention schedule;

(4) nondisclosure of the record is authorized by a federal law or regulation, or by state law; or

(5) the record is believed to be in the agency's possession but has not yet been located, in which case the public agency shall proceed under (f) of this section.

(b) A request may be denied by the public agency head or by an agency employee to whom denial authority has been delegated by the public agency head.

(c) An initial denial of a written request must be in writing; must state the reasons for the denial, including any specific legal grounds for the denial; and must be dated and signed by the person issuing the denial. If a request is denied by a public agency employee to whom denial authority has been delegated, the notice of denial must reflect this delegation. A copy of 2 AAC 96.335 - 2 AAC 96.350 must be enclosed with the denial.

(d) A denial of a written request, in whole or in part, must state that

(1) the requestor may administratively appeal the denial by complying with the procedures in 2 AAC 96.340;

(2) the requestor may obtain immediate judicial review of the denial by seeking an injunction from the superior court under AS 40.25.125;

(3) an election not to pursue injunctive remedies in superior court shall have no adverse effects on the rights of the requestor before the public agency; and

(4) an administrative appeal from a denial of a request for public records requires no appeal bond.

(e) A denial of a written request is considered to be issued at the time the denial is either delivered to the United States Postal Service for mailing, or hand-delivered to the requestor by an employee or agent of the public agency.

(f) If a written request is denied because a record has not yet been located and the record is believed to exist in the agency's possession, the office in the public agency responsible for maintaining the record is believed to exist in the agency's possession, the office in the public agency responsible for maintaining the record shall continue to search until the record is located or until it appears that the record does not exist or is not in the public agency's possession. The public agency shall periodically inform the requestor of its progress in searching for the requested record.

(g) A record that is the subject of a public records request that has been denied shall not be destroyed or transferred from the public agency's custody, except that records may be transferred to state archives and records management services as provided by AS 40.21 and regulations adopted under AS 40.21. A public agency may not destroy or transfer custody of a record to which access has been denied or restricted until at least 60 working days after the requestor is notified in writing that the request has been denied, or if there is an administrative or judicial appeal or other legal action pending at the end of the 60-working-day period, until the requestor has exhausted those actions.

#### History

History: Eff. 11/6/94, Register 132

#### Annotations

Authority: AS 40.25.110

AS 40.25.120

AS 40.25.123

AS 40.25.125

Editor's note: As of Register 176 (January 2006), and acting under AS 44.62.125(b)(6), the regulations attorney relocated former 6 AAC 96.335 to 2 AAC 96.335, and made conforming technical changes to 2 AAC 96.335(c) and (d)(1), to reflect Executive Order 113 (2005). Executive Order 113 eliminated the Telecommunications Information Council and transferred its functions to the governor and to the Department of

Administration. The history note for 2 AAC 96.335 carries forward the history from former 6 AAC 96.335.

As of Register 158 (July 2001), the regulations attorney made technical revisions under AS 44.62.125(b)(6), to reflect the 2000 renumbering of former AS 09.25.100 - 09.25.220 by the revisor of statutes. The provisions of former AS 09.25.100 - 09.25.220 were relocated to AS 40.25.100 - 40.25.220.

## 2 AAC 96.340. Appeal from denial; manner of making

### Statute text

(a) A requestor whose written request for a public record has been denied, in whole or in part, may ask for reconsideration of the denial by submitting a written appeal to the agency head.

(b) An appeal under (a) of this section must be mailed or hand-delivered to the agency head within 60 working days after the denial is issued and must include the date of the denial and the name and address of the person issuing the denial. The appeal must also identify the records to which access was denied and which are the subject of the appeal. If an appeal is from the failure of the agency to respond to the records request within the appropriate time limit under 2 AAC 96.325, the appeal must so state, must identify the records sought, and must identify the public agency to which the request was directed and the date of the request.

(c) The 60 working days within which an appeal must be filed begins to run upon the issuance of the denial or, if no denial is issued, upon the expiration of the time period within which the public agency should have responded.

### History

History: Eff. 11/6/94, Register 132

### Annotations

Authority: AS 40.25.110

AS 40.25.120

AS 40.25.123

AS 40.25.125

Editor's note: As of Register 176 (January 2006), and acting under AS 44.62.125(b)(6), the regulations attorney relocated former 6 AAC 96.340 to 2 AAC 96.340, and made a conforming technical change to 2 AAC 96.340(b), to reflect Executive Order 113 (2005). Executive Order 113 eliminated the Telecommunications Information Council and transferred its functions to the governor and to the Department of Administration. The history note for 2 AAC 96.340 carries forward the history from former 6 AAC 96.340. As of Register 158 (July 2001), the regulations attorney made technical revisions under AS 44.62.125(b)(6), to reflect the 2000 renumbering of former AS 09.25.100 - 09.25.220

by the revisor of statutes. The provisions of former AS 09.25.100 - 09.25.220 were relocated to AS 40.25.100 - 40.25.220.

## 2 AAC 96.345. Appeal determinations; time allowed; by whom made

### Statute text

(a) As soon as practicable, but not later than the 10th working day after the close of the record on appeal, the agency head shall issue a written determination stating which of the records that are the subject of the appeal will be disclosed and which records will not be disclosed. The written determination must comply with 2 AAC 96.350.

(b) The agency head may extend the 10-working-day period for a period not to exceed 30 working days upon written request from the requestor, or by sending a written notice to the requestor within the basic 10-working-day period.

(c) The agency head may delegate authority and duties under (a) and (b) of this section to a full-time employee of the public agency not involved in the denial and not subordinate to the employee responsible for the denial. The employee delegated this authority may not subdelegate to another employee.

### History

History: Eff. 11/6/94, Register 132

### Annotations

Authority: AS 40.25.110

AS 40.25.120

AS 40.25.123

AS 40.25.124

Editor's note: As of Register 176 (January 2006), and acting under AS 44.62.125(b)(6), the regulations attorney relocated former 6 AAC 96.345 to 2 AAC 96.345, and made a conforming technical change to 2 AAC 96.345(a), to reflect Executive Order 113 (2005). Executive Order 113 eliminated the Telecommunications Information Council and transferred its functions to the governor and to the Department of Administration. The history note for 2 AAC 96.345 carries forward the history from former 6 AAC 96.345. As of Register 158 (July 2001), the regulations attorney made technical revisions under AS 44.62.125(b)(6), to reflect the 2000 renumbering of former AS 09.25.100 - 09.25.220 by the revisor of statutes. The provisions of former AS 09.25.100 - 09.25.220 were relocated to AS 40.25.100 - 40.25.220.

## 2 AAC 96.350. Contents of determination denying appeal

### Statute text

A determination under 2 AAC 96.345 responding to an appeal must be in writing, must specify the specific statute, regulation, or court decision that is the basis for the denial, and must state briefly the reason for the denial. A denial under this section is the final agency decision. A denial must further state that, as provided by AS 40.25.124, the requestor may obtain judicial review of the denial by appealing the denial to the superior court.

#### History

History: Eff. 11/6/94, Register 132

#### Annotations

Authority: AS 40.25.110

AS 40.25.120

AS 40.25.123

AS 40.25.124

AS 40.25.125

Editor's note: As of Register 176 (January 2006), and acting under AS 44.62.125(b)(6), the regulations attorney relocated former 6 AAC 96.350 to 2 AAC 96.350, and made a conforming technical change to 2 AAC 96.350, to reflect Executive Order 113 (2005). Executive Order 113 eliminated the Telecommunications Information Council and transferred its functions to the governor and to the Department of Administration. The history note for 2 AAC 96.350 carries forward the history from former 6 AAC 96.350. As of Register 158 (July 2001), the regulations attorney made technical revisions under AS 44.62.125(b)(6), to reflect the 2000 renumbering of former AS 09.25.100 - 09.25.220 by the revisor of statutes. The provisions of former AS 09.25.100 - 09.25.220 were relocated to AS 40.25.100 - 40.25.220.

#### 2 AAC 96.355. Records in electronic form

##### Statute text

(a) Except as otherwise provided by law, public records maintained in electronic form are subject to disclosure and copying. Upon receipt of a request complying with this chapter, a public agency shall provide a copy of a public record in the form in which it is maintained or disseminated by the public agency. A public agency may not release proprietary software except as provided in 2 AAC 96.440.

(b) A copy of an electronic public record is generated by copying the electronic file that was used to produce the printed form of the public record. Except as provided in (c) and (d) of this section, a public agency shall establish the fee to duplicate an electronic public record in accordance with 2 AAC 96.360.

(c) A copy of an electronic public record in a geographic information system is generated by copying the plot file, the associated geographic and tabular files, or other

files required to generate the printed form of the public record. A public agency shall establish the fee to duplicate an electronic public record in a geographic information system in accordance with 2 AAC 96.460.

(d) The Department of Public Safety will establish the fee for a copy of an electronic public record in a vehicle registration list in accordance with 2 AAC 96.460.

(e) A public agency entering into a contract with a private, public, or nonprofit entity to provide electronic copies of public records is not relieved from complying with AS 40.25.110 and this chapter.

#### History

History: Eff. 11/6/94, Register 132

#### Annotations

Authority: AS 40.25.110

AS 40.25.115

AS 40.25.120

AS 40.25.123

Editor's note: As of Register 176 (January 2006), and acting under AS 44.62.125(b)(6), the regulations attorney relocated former 6 AAC 96.355 to 2 AAC 96.355, and made conforming technical changes to 2 AAC 96.355, to reflect Executive Order 113 (2005). Executive Order 113 eliminated the Telecommunications Information Council and transferred its functions to the governor and to the Department of Administration. The history note for 2 AAC 96.355 carries forward the history from former 6 AAC 96.355. As of Register 158 (July 2001), the regulations attorney made technical revisions under AS 44.62.125(b)(6), to reflect the 2000 renumbering of former AS 09.25.100 - 09.25.220 by the revisor of statutes. The provisions of former AS 09.25.100 - 09.25.220 were relocated to AS 40.25.100 - 40.25.220.

#### 2 AAC 96.360. Copies and fees

##### Statute text

(a) A public agency shall prescribe in writing the standard unit charge for copies of public records.

(b) The fee to search for and duplicate a public record may reflect

(1) actual costs for copying the record in the requested format, including costs for paper, tapes, microfiche, disks or other media;

(2) costs incurred by the agency to duplicate the record, including computer processing time; and

(3) salary and benefits costs for the employees performing the work, including computer programming work required to extract or copy the records, as set out in AS 40.25.110.

(c) Except in the case of news organizations, fees must be paid before the records are disclosed. A public agency may require payment in advance of a search for a public record if the agency reasonably believes that the search will generate a fee under AS 40.25.110. If the request is from a news organization or an employee or agent of a news organization and the agency head reasonably believes that the requested record search will require more than five hours to complete, the public agency head may require payment in advance of the search by the news organization only when

(1) the request is unreasonable or in bad faith;

(2) the news organization has failed to pay for previous requests; or

(3) the request requires extraordinary expenditure of state resources;

(d) A public agency may waive the requirement under (c) of this section for payment in advance if the requestor and the public agency agree in writing to mutually acceptable time frames for payment.

#### History

History: Eff. 11/6/94, Register 132

#### Annotations

Authority: AS 40.25.110

AS 40.25.120

AS 40.25.123

Editor's note: As of Register 176 (January 2006), and acting under AS 44.62.125(b)(6), the regulations attorney relocated former 6 AAC 96.360 to 2 AAC 96.360, to reflect Executive Order 113 (2005). Executive Order 113 eliminated the Telecommunications Information Council and transferred its functions to the governor and to the Department of Administration. The history note for 2 AAC 96.360 carries forward the history from former 6 AAC 96.360.

As of Register 158 (July 2001), the regulations attorney made technical revisions under AS 44.62.125(b)(6), to reflect the 2000 renumbering of former AS 09.25.100 - 09.25.220 by the revisor of statutes. The provisions of former AS 09.25.100 - 09.25.220 were relocated to AS 40.25.100 - 40.25.220.

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## Article 4

### Requests for Electronic Services and Products

#### Section

400. Agency responsibilities.

410. Form of request.

420. Response to request; agreement for electronic services and products.

430. Denial of a request.

440. Software copyrights.

450. Public terminals; on-line access.

460. Fees for electronic services and products; fee review.

2 AAC 96.400. Agency responsibilities

#### Statute text

(a) A public agency providing electronic services and products shall adopt procedures for handling requests, including fee schedules and procedures for negotiating any written agreements that may be required.

(b) A public agency may contract with a private, public, or nonprofit entity to provide electronic services and products. A contract under this subsection must provide that the state retains ownership of public records, and that the public agency must ensure compliance with AS 40.25.110 - AS 40.25.220, this chapter, and the state's records management program.

(c) A public agency shall identify databases that undergo periodic or continuous updates.

(d) A public agency shall notify the requestor of electronic services and products that any agreement for those services or products must contain a release of liability that the public agency is not liable for any harm or injury that a requestor may suffer as a consequence of any inaccurate information the requestor may obtain through the electronic service or product.

#### History

History: Eff. 11/6/94, Register 132

#### Annotations

Authority: AS 40.25.110

AS 40.25.115  
AS 40.25.120  
AS 40.25.123

Editor's note: As of Register 176 (January 2006), and acting under AS 44.62.125(b)(6), the regulations attorney relocated former 6 AAC 96.400 to 2 AAC 96.400, to reflect Executive Order 113 (2005). Executive Order 113 eliminated the Telecommunications Information Council and transferred its functions to the governor and to the Department of Administration. The history note for 2 AAC 96.400 carries forward the history from former 6 AAC 96.400.

As of Register 158 (July 2001), the regulations attorney made technical revisions under AS 44.62.125(b)(6), to reflect the 2000 renumbering of former AS 09.25.100 - 09.25.220 by the revisor of statutes. The provisions of former AS 09.25.100 - 09.25.220 were relocated to AS 40.25.100 - 40.25.220.

## 2 AAC 96.410. Form of request

### Statute text

(a) Except as provided in (b) and (d) of this section, a request to a public agency for electronic services and products must be in writing. A request form may be provided by a public agency, but a request may not be denied solely because it is not on that form. If a request includes a stamped, addressed postcard, the public agency shall promptly use it to acknowledge the date the request was received.

(b) An oral request for electronic services and products is considered a valid request under this chapter. If the request involves a variety of electronic services and products, a public agency may require that the request be submitted in writing.

(c) An oral request is deemed denied if not granted within 10 working days after the office of the public agency responsible for providing the requested electronic services and products receives the request, excluding the request day and including the following 10 working days. The decision to grant or deny a request under (b) of this section is within the sole discretion of the public agency. Upon receipt of an oral request, a public agency shall inform the requestor of the provisions of this section.

(d) If a requestor making an oral request for electronic services and products is unable to write a request due to a physical or mental disability, the public agency shall assist the requestor in preparing a written request, or treat the oral request as a written request.

(e) A requestor must describe the electronic services and products sought with enough specificity to allow the public agency to ascertain the electronic services and products that are requested.

## History

History: Eff. 11/6/94, Register 132

## Annotations

Authority: AS 40.25.115

AS 40.25.120

AS 40.25.123

Editor's note: As of Register 176 (January 2006), and acting under AS 44.62.125(b)(6), the regulations attorney relocated former 6 AAC 96.410 to 2 AAC 96.410, to reflect Executive Order 113 (2005). Executive Order 113 eliminated the Telecommunications Information Council and transferred its functions to the governor and to the Department of Administration. The history note for 2 AAC 96.410 carries forward the history from former 6 AAC 96.410.

As of Register 158 (July 2001), the regulations attorney made technical revisions under AS 44.62.125(b)(6), to reflect the 2000 renumbering of former AS 09.25.100 - 09.25.220 by the revisor of statutes. The provisions of former AS 09.25.100 - 09.25.220 were relocated to AS 40.25.100 - 40.25.220.

2 AAC 96.420. Response to request; agreement for electronic services and products

## Statute text

(a) A public agency may require a written agreement, signed by the requestor and an authorized officer of the public agency, before beginning work required to provide electronic services and products. The agreement shall include

(1) estimated fees and payment arrangements;

(2) provisions to protect the security and integrity of the information system; and

(3) a release of liability for the public agency providing the electronic services and products.

(b) Except for the release of liability under (a)(3) of this section, an agreement under this section may not contain restrictions on third-party use of the information, including restrictions on sale, distribution, or reformatting of the information.

## History

History: Eff. 11/6/94, Register 132

## Annotations

Authority: AS 40.25.115  
AS 40.25.123

Editor's note: As of Register 176 (January 2006), and acting under AS 44.62.125(b)(6), the regulations attorney relocated former 6 AAC 96.420 to 2 AAC 96.420, to reflect Executive Order 113 (2005). Executive Order 113 eliminated the Telecommunications Information Council and transferred its functions to the governor and to the Department of Administration. The history note for 2 AAC 96.420 carries forward the history from former 6 AAC 96.420.

As of Register 158 (July 2001), the regulations attorney made technical revisions under AS 44.62.125(b)(6), to reflect the 2000 renumbering of former AS 09.25.100 - 09.25.220 by the revisor of statutes. The provisions of former AS 09.25.100 - 09.25.220 were relocated to AS 40.25.100 - 40.25.220.

2 AAC 96.430. Denial of a request

#### Statute text

When a request for electronic services or products is denied because the public agency cannot reasonably provide the requested work, the public agency shall provide a response to the requestor explaining that the requested service or product cannot be provided. To the extent possible, the response must further inform the requestor of how to obtain the public records that would have been used to satisfy the request for electronic services and products.

#### History

History: Eff. 11/6/94, Register 132

#### Annotations

Authority: AS 40.25.110  
AS 40.25.115  
AS 40.25.120  
AS 40.25.123

Editor's note: As of Register 176 (January 2006), and acting under AS 44.62.125(b)(6), the regulations attorney relocated former 6 AAC 96.430 to 2 AAC 96.430, to reflect Executive Order 113 (2005). Executive Order 113 eliminated the Telecommunications Information Council and transferred its functions to the governor and to the Department of Administration. The history note for 2 AAC 96.430 carries forward the history from former 6 AAC 96.430.

As of Register 158 (July 2001), the regulations attorney made technical revisions under AS 44.62.125(b)(6), to reflect the 2000 renumbering of former AS 09.25.100 - 09.25.220 by the revisor of statutes. The provisions of former AS 09.25.100 - 09.25.220 were relocated to AS 40.25.100 - 40.25.220.

2 AAC 96.440. Software copyrights

#### Statute text

(a) A public agency may adopt procedures governing the duplication and distribution of copyrighted software owned by the state, in order to protect that agency's rights under AS 44.99.400. These procedures may not conflict with AS 40.25.110 - AS 40.25.220 and this chapter.

(b) Nothing in this section shall be interpreted to limit or impair the rights or protection granted to a public agency under federal copyright law as a result of its ownership of the copyright to the state.

(c) A public agency may charge a reasonable fee for software copyrighted under this section. Fees shall be established in accordance with 2 AAC 96.460.

#### History

History: Eff. 11/6/94, Register 132

#### Annotations

Authority: AS 40.25.110

AS 40.25.115

AS 40.25.120

AS 40.25.123

Editor's note: As of Register 176 (January 2006), and acting under AS 44.62.125(b)(6), the regulations attorney relocated former 6 AAC 96.440 to 2 AAC 96.440, and made a conforming technical change to 2 AAC 96.440(c), to reflect Executive Order 113 (2005). Executive Order 113 eliminated the Telecommunications Information Council and transferred its functions to the governor and to the Department of Administration. The history note for 2 AAC 96.440 carries forward the history from former 6 AAC 96.440. As of Register 158 (July 2001), the regulations attorney made technical revisions under AS 44.62.125(b)(6), to reflect the 2000 renumbering of former AS 09.25.100 - 09.25.220 by the revisor of statutes. The provisions of former AS 09.25.100 - 09.25.220 were relocated to AS 40.25.100 - 40.25.220.

2 AAC 96.450. Public terminals; on-line access

#### Statute text

Before providing on-line access to an electronic file or database, a public agency shall ensure that

(1) access instructions or assistance are provided to persons using public terminals;

(2) access to nondisclosable information is prohibited; and

(3) protection is provided against intentional or accidental disclosure, modification, or destruction of records.

#### History

History: Eff. 11/6/94, Register 132

#### Annotations

Authority: AS 40.25.110

AS 40.25.115

AS 40.25.120

AS 40.25.123

Editor's note: As of Register 176 (January 2006), and acting under AS 44.62.125(b)(6), the regulations attorney relocated former 6 AAC 96.450 to 2 AAC 96.450, to reflect Executive Order 113 (2005). Executive Order 113 eliminated the Telecommunications Information Council and transferred its functions to the governor and to the Department of Administration. The history note for 2 AAC 96.450 carries forward the history from former 6 AAC 96.450.

As of Register 158 (July 2001), the regulations attorney made technical revisions under AS 44.62.125(b)(6), to reflect the 2000 renumbering of former AS 09.25.100 - 09.25.220 by the revisor of statutes. The provisions of former AS 09.25.100 - 09.25.220 were relocated to AS 40.25.100 - 40.25.220.

2 AAC 96.460. Fees for electronic services and products; fee review

#### Statute text

(a) A public agency shall prescribe, in writing, in advance of processing a request for electronic services and products, all fees for providing those services and products, and shall provide an estimate of fees to the requestor.

(b) A public agency shall adopt a fee schedule for electronic services and products in accordance with AS 40.25.115 and this chapter.

(c) A public agency that has not adopted a fee schedule for electronic services and products may charge no more than the rates established by the Department of Administration and published in the "Guide to Data Center & Telecommunications Services", October, 1994. A public agency may use those rates until that public agency adopts a fee schedule.

(d) A public agency shall set out, in writing, the assumptions used to calculate rates and document the agency's costs and the rate formulas. A public agency shall monitor the use

and costs of the data processing services used to support the building and operation of the agency's information system, and then shall bill requestors no more than their proportional use of the information system. A public agency may use federal guidelines, such as Federal Information Processing Standard 96 or a similar standard, to develop, adopt, and implement a charging system. Suggested guidelines for establishing a public agency fee schedule for electronic services and products include

(1) forecasting the estimated volume of usage for each electronic service and product produced by the public agency; these usage forecasts should generally be in terms of the number of service units, including processing unit seconds, records printed, data stored, and programmer analyst hours of each data processing service to be used for a given rate period;

(2) forecasting the costs of all the various resources, including hardware, software, personnel, and development and maintenance costs of the information system used to provide the electronic service or product;

(3) distributing the resource costs to each of the services according to the resources required to support the service or product; and

(4) determining rates by dividing the total cost of each service or product by the total estimated volume of usage.

(e) A public agency's fees may include the following charges associated with providing the electronic service or product:

(1) processing costs, including any chargeback fees paid to another state, federal, or municipal agency or service bureau;

(2) salary and benefits costs for each employee responding to and providing the electronic services and products;

(3) currently published postal and freight charges;

(4) costs for tapes, mailing label paper, computer paper, microfiche, disks, and other media used to provide the records; and

(5) costs for providing a public terminal for on-line access to electronic information as described by 2 AAC 96.450.

(f) A public agency may waive the requirement for advance payment for electronic services or products upon receipt of a written agreement from the requestor that establishes time frames for payment that are mutually acceptable.

(g) A requestor for electronic services and products may request a review, consistent with AS 40.25.115(g), of a public agency's fees for those services and products. Upon request from the Office of the Governor, a public agency providing those services and products must provide the assumptions and documentation of the costs and the rate formulas used to calculate its fees for electronic services and products. In a review under this subsection,

(1) a written determination and finding will be made whether the fees comply with AS 40.25.115 and this chapter; and

(2) a decision will be provided to the requestor and the public agency within 60 working days, explaining the determination under this subsection; that decision may include instructions to the public agency regarding fees.

(h) A fee reduction or an instruction provided under (g) of this section to a public agency is effective immediately, unless a later deadline is imposed or regulations are required to implement those reductions or instructions.

#### History

History: Eff. 11/6/94, Register 132

#### Annotations

Authority: AS 40.25.110

AS 40.25.115

AS 40.25.120

AS 40.25.123

Editor's note: The "Guide to Data Center & Telecommunications Services" and Federal Information Processing Standard 96 referred to in 2 AAC 96.460 may be reviewed by contacting Enterprise Technology Services, Department of Administration, P.O. Box 110206, Juneau, AK 99811-0206.

As of Register 176 (January 2006), and acting under AS 44.62.125(b)(6), the regulations attorney relocated former 6 AAC 96.460 to 2 AAC 96.460, and made conforming

technical changes to 2 AAC 96.460(e)(5), (g), and (h), to reflect Executive Order 113 (2005). Executive Order 113 eliminated the Telecommunications Information Council and transferred its functions to the governor and to the Department of Administration. The history note for 2 AAC 96.460 carries forward the history from former 6 AAC 96.460.

As of Register 158 (July 2001), the regulations attorney made technical revisions under AS 44.62.125(b)(6), to reflect the 2000 renumbering of former AS 09.25.100 - 09.25.220 by the revisor of statutes. The provisions of former AS 09.25.100 - 09.25.220 were relocated to AS 40.25.100 - 40.25.220.

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Article 5  
General Provisions

Section  
900. Definitions.  
2 AAC 96.900. Definitions

Statute text  
Unless the context indicates otherwise, in this chapter

- (1) "agency head" means the principal executive officer of a public agency;
- (2) deleted;
- (3) "database" means information that is created or compiled by a public agency or its agent to support the public agency's primary business or responsibility and that contains a set of interrelated data or data files in a computerized form organized so the data can be expanded, updated, and retrieved rapidly;
- (4) "electronic format" means information that is not stored in paper format, including electronic information stored or provided in computer-based, optical, magnetic, or microfiche forms;
- (5) "geographic information system" or "GIS" means an integrated system linking spatial and tabular data that is a system of computer hardware, software, and procedures supporting the capture, management, manipulation, analysis, and display of spatially referenced data;
- (6) "hard copy" means a copy of a record in printed format;

(7) "public agency" has the same meaning as in AS 40.25.220, but is limited to public agencies in the executive branch of the state not excluded by AS 40.25.123;

(8) "public terminal" means an input or output device, established and operated by a public agency for the use and benefit of the public and provides access to electronic public records;

(9) "standard unit charge" means the predetermined cost incurred by a public agency to produce a unit of product or to perform a particular operation under normal operating conditions;

(10) "working day" means every day except Saturday, Sunday, or a legal state holiday.

#### History

History: Eff. 11/6/94, Register 132

#### Annotations

Authority: AS 40.25.110

AS 40.25.115

AS 40.25.120

AS 40.25.123

AS 40.25.220

Editor's note: As of Register 176 (January 2006), and acting under AS 44.62.125(b)(6), the regulations attorney relocated former 6 AAC 96.900 to 2 AAC 96.900, and deleted the definition of "council" in 2 AAC 96.900(2), to reflect Executive Order 113 (2005). Executive Order 113 eliminated the Telecommunications Information Council and transferred its functions to the governor and to the Department of Administration. The history note for 2 AAC 96.900 carries forward the history from former 6 AAC 96.900. As of Register 158 (July 2001), the regulations attorney made technical revisions under AS 44.62.125(b)(6), to reflect the 2000 renumbering of former AS 09.25.100 - 09.25.220 by the revisor of statutes. The provisions of former AS 09.25.100 - 09.25.220 were relocated to AS 40.25.100 - 40.25.220.

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