



**DEPARTMENT OF FAIR EMPLOYMENT  
AND HOUSING  
ENFORCEMENT DIVISION  
DIRECTIVE**

**DIRECTIVE NUMBER  
602  
DISTRIBUTION DATE  
February 3, 2006**

1. **SUBJECT: PHOTOCOPY/PROGRAMMING FEES**
2. **PURPOSE:** To set forth photocopy and programming fees charged by the Department of Fair Employment and Housing (DFEH).
3. **BACKGROUND:**
  - A. **The Public Records Act (Gov. Code, § 6253)** requires that DFEH "...make the records promptly available to any person upon payment of fees covering direct costs of duplication...."
  - B. **The Public Records Act (Gov. Code § 6253.9)** further requires that DFEH provide public records that are in an electronic format and allows the Department to charge a fee for producing said records as follows:
    - 1) The cost of producing a copy of a record if the requested format is one that has been used by the agency to create copies for its own use or for use by other agencies.
    - 2) The cost of constructing programming or other services when the agency must produce a record that is produced at otherwise regularly scheduled intervals or the request would require data compilation, extraction or programming to produce the record.
  - C. **Evidence Code section 1563** provides that, "All reasonable costs... may be charged against the party serving the subpoena duces tecum." The section further provides that:

"Reasonable costs...shall include...ten cents (\$.10) per page...; reasonable clerical costs incurred in locating and making records available to be billed at the maximum rate of twenty-four dollars (\$24.00) per hour per person, computed on the basis of six dollars (\$6.00) per quarter hour or fraction thereof; actual postage...."

- D. **Scope of Disclosure:** The scope of disclosure is governed by Directives 600, "Response to Public Records Act Requests" and 603 "Response to Third Party Subpoenas."

4. **PROCEDURES:**

A. **Fees:**

- 1) A fee of ten cents (\$.10) per printed page/side will be charged for photocopies of materials provided by the Department to the public.
  - a) All photocopy fees will be collected prior to furnishing the copies.
  - b) Before copying, the appropriate documents will be identified and counted for the purpose of determining the fee.
  - c) Prior to photocopying any documents, the requesting party will be informed of the amount of the photocopy fee in a letter prepared and mailed to the requesting party by the district office's Custodian of Records. A copy of this letter will be retained.
  - d) Checks or money orders will be accepted as payment. They should be issued to the "Department of Fair Employment and Housing" or "DFEH."
- 2) A fee of \$35.00 per staff hour will be charged for compiling computer-based statistical information as provided by Government Code section 6253.9, plus an additional \$5.00 supply charge when the material is to be produced in an electronic form (e.g., disk or cd-rom).
  - a) When a request is received, the Information Systems Center will be contacted to determine an estimate of the costs. The Information Systems Center will provide the information to the Public Affairs Unit, who will so advise the requestor.
  - b) Payment of the estimated cost must be made in advance of the Department preparing the requested information.

B. **Exceptions:**

- 1) When a photocopy request is for ten or fewer pages, the copies will be provided free of charge.

- 2) Government Agencies:
  - a) Fees will not be charged other state or federal agencies, such as EEOC, HUD, Department of Labor, etc., when the transfer of records is necessary for the transferee entity to perform its constitutional or statutory duties and the use is compatible with the purpose for which the information was collected. (See Civil Code, sec. 1798.24.)
  - b) If any of these entities seek information in their role as a respondent or a representative of a respondent, they will be charged for copies.
- 3) Subpoena duces tecum:
  - a) Parties presenting a subpoena duces tecum will be charged according to the allowance provided in the Evidence Code.
  - b) The relevant documents will be identified and counted.
  - c) The clerk will note all of the time spent identifying the documents and the time spent in photocopying them.
  - d) All subpoena duces tecum photocopy fees will be collected prior to furnishing the copies.
  - e) A "Subpoena Duces Tecum Fee Notice and Invoice" (DFEH 400-03) will be prepared. A copy of this invoice will be retained.

**C. Accounting:**

All photocopy and computer fees will be turned over to the individual in the Accounting Unit so designated and handled in accordance with the instructions contained in the State Administrative Manual.

**5. APPROVAL:**

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Suzanne M. Ambrose, Director

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Date