



## Public Record Inspection Policy

As a data-driven regional planning agency that represents local governments, the Maricopa Association of Governments (MAG) is required by the Arizona Public Records Law (Arizona Revised Statutes 39-121 et seq.) to make public records available to the community. This also supports MAG in operating in a transparent and inclusive manner and builds trust among member agencies, stakeholders, and the general public.

### 1. Definitions

- a. Public record: According to ARS 41-1350, records means “all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, including prints or copies of such items produced or reproduced on film or electronic media pursuant to section 41-1348, made or received by any governmental agency in pursuance of law or in connection with the transaction of public business and preserved or appropriate for preservation by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of data contained therein. Library or museum material made or acquired solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference and stocks of publications or documents intended for sale or distribution to interested persons are not included within the definition of records.”
- b. Public body: According to ARS 39-121, a public body is defined as “the state, any county, city, town, school district, political subdivision or tax-supported district in the state, any branch, department, board, bureau, commission, council or committee of the foregoing, and any public organization or agency, supported in whole or in part by monies from the state or any political subdivision of the state, or expending monies provided by the state or any political subdivision of the state.”
- c. Requestor: Any person, corporation, partnership, limited liability company, firm, or association.

### 2. Purpose

The purpose of this policy is to comply with the requirements of the Arizona Public Records Law, which requires that all public bodies maintain records and make them available for public inspection.

### 3. Procedure

- a. Requesting Inspection of Public Records  
Requests for public records should be submitted in writing using the Public Records Request form. This form is available on the MAG website or by contacting MAG Communications staff. The completed form will be accepted and processed by MAG Communications staff. The requestor is asked on the form to clearly state the specific

documents requested, and whether the records will be used for a commercial purpose, in which case MAG can charge additional amounts for the records. Other than asking whether the request is for a commercial purpose MAG is not allowed to ask the reason for the request. (Commercial purpose is defined by statute to mean “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.”)

The requestor is also asked to indicate if the request is to view the documents at the office, make photo copies, receive the documents electronically, or purchase documents.

Anyone needing help with completing the form may contact MAG Communications staff for assistance during regular office hours. Requests for assistance may be made by calling (602) 254-6300 or by emailing [mag@azmag.gov](mailto:mag@azmag.gov). The form may be translated into another language and provided in alternative formats such as Braille upon request. This supports MAG’s commitment to uphold requirements under Title VI and Environmental Justice.

MAG is required by the Public Records Law to respond to all requests “promptly.” Communications staff will review the request and respond within a timely manner. If the record is available and appropriate for public inspection, staff will provide the documents within two business days. Records requiring more research and compilation will result in a longer response time. If the documents are not available or appropriate for public inspection, staff will notify the requestor within two business days. Redacted records will be provided as applicable under Arizona Supreme Court guidelines to protect confidentiality rights of individuals. Records that include datasets or products developed by MAG may require the requestor to sign a licensing agreement for electronic files.

b. Fees for Public Records

There is no cost associated with viewing records in the MAG office Monday through Friday, excluding holidays and other scheduled closures, from 8:00 a.m. to 5:00 p.m. Records that exist in an electronic format that are able to be sent electronically to the requestor also do not incur a fee. If the requestor would like to receive photocopies of the records, a fee will be applied per page based on the size of the paper and whether the documents are copied in color or black and white. Printed copies of the MAG Specifications and Details Book are available for purchase, or are available at no cost on the MAG website. Requestors wishing to receive copies of records by mail will be charged the cost of postage. Any applicable fees are due prior to release of the records. As noted above, additional sums may be charged if the request is for a commercial purpose. Any employee receiving such a request shall consult with the MAG Communications Manager concerning such additional charges.

- c. Requests for Compilations  
Requests that require that a document be created or that analysis be conducted in order to respond the request are not subject to ARS 39-121. Only requests for an identifiable, existing record will be fulfilled under this policy.
- d. Subpoenas  
ARS 39-121 does not cover records requested through a subpoena. All subpoenas will be referred to the agency's legal counsel for consideration and response.

4. For reference, the full text of ARS 39-121 is provided below.

**ARIZONA REVISED STATUTE REGARDING PUBLIC RECORDS (A.R.S. 39.121 *et seq.*)**

For complete text of Title 39, go to [ALIS Online](#).

**39-121. Inspection of public records**

Public records and other matters in the custody of any officer shall be open to inspection by any person at all times during office hours.

**39-121.01. . Definitions; maintenance of records; copies, printouts or photographs of public records; examination by mail; index**

A. In this article, unless the context otherwise requires:

1. "Officer" means any person elected or appointed to hold any elective or appointive office of any public body and any chief administrative officer, head, director, superintendent or chairman of any public body.
2. "Public body" means this state, any county, city, town, school district, political subdivision or tax-supported district in this state, any branch, department, board, bureau, commission, council or committee of the foregoing, and any public organization or agency, supported in whole or in part by monies from this state or any political subdivision of this state, or expending monies provided by this state or any political subdivision of this state.

B. All officers and public bodies shall maintain all records, including records as defined in section 41-151.18, reasonably necessary or appropriate to maintain an accurate knowledge of their official activities and of any of their activities which are supported by monies from this state or any political subdivision of this state.

C. Each public body shall be responsible for the preservation, maintenance and care of that body's public records, and each officer shall be responsible for the preservation, maintenance and care of that officer's public records. It shall be the duty of each such body to carefully secure, protect and preserve public records from deterioration, mutilation, loss or destruction, unless disposed of pursuant to sections 41-151.15 and 41-151.19.

D. Subject to section 39-121.03:

1. Any person may request to examine or be furnished copies, printouts or photographs of any public record during regular office hours or may request that the custodian mail a copy of any public record not otherwise available on the public body's website to the requesting person. The custodian may require any person requesting that the custodian mail a copy of any public record to pay in advance for any copying and postage charges. The custodian of such records shall promptly furnish such copies, printouts or photographs and may charge a fee if the facilities are available, except that public records for purposes listed in section 39-122 or 39-127 shall be furnished without charge.

2. If requested, the custodian of the records of an agency shall also furnish an index of records or categories of records that have been withheld and the reasons the records or categories of records have been withheld from the requesting person. The custodian shall not include in the index information that is expressly made privileged or confidential in statute or a court order. This paragraph shall not be construed by an administrative tribunal or a court of competent jurisdiction to prevent or require an order compelling a public body other than an agency to furnish an index. For the purposes of this paragraph, "agency" has the same meaning prescribed in section 41-1001, but does not include the department of public safety, the department of transportation motor vehicle division, the department of juvenile corrections and the state department of corrections.

3. If the custodian of a public record does not have facilities for making copies, printouts or photographs of a public record which a person has a right to inspect, such person shall be granted access to the public record for the purpose of making copies, printouts or photographs. The copies, printouts or photographs shall be made while the public record is in the possession, custody and control of the custodian of the public record and shall be subject to the supervision of such custodian.

E. Access to a public record is deemed denied if a custodian fails to promptly respond to a request for production of a public record or fails to provide to the requesting person an index of any record or categories of records that are withheld from production pursuant to subsection D, paragraph 2 of this section.

**39-121.02. Action on denial of access; costs and attorney fees; damages**

A. Any person who has requested to examine or copy public records pursuant to this article, and who has been denied access to or the right to copy such records, may appeal the denial through a special action in the superior court, pursuant to the rules of procedure for special actions against the officer or public body.

B. The court may award attorney fees and other legal costs that are reasonably incurred in any action under this article if the person seeking public records has substantially prevailed. Nothing in this subsection shall limit the rights of any party to recover attorney fees, expenses and double damages pursuant to section 12-349.

C. Any person who is wrongfully denied access to public records pursuant to this article has a cause of action against the officer or public body for any damages resulting from the denial.

**39-121.03.** Request for copies, printouts or photographs; statement of purpose; commercial purpose as abuse of public record; determination by governor; civil penalty; definition

A. When a person requests copies, printouts or photographs of public records for a commercial purpose, the person shall provide a statement setting forth the commercial purpose for which the copies, printouts or photographs will be used. Upon being furnished the statement the custodian of such records may furnish reproductions, the charge for which shall include the following:

1. A portion of the cost to the public body for obtaining the original or copies of the documents, printouts or photographs.
2. A reasonable fee for the cost of time, materials, equipment and personnel in producing such reproduction.
3. The value of the reproduction on the commercial market as best determined by the public body.

B. If the custodian of a public record determines that the commercial purpose stated in the statement is a misuse of public records or is an abuse of the right to receive public records, the custodian may apply to the governor requesting that the governor by executive order prohibit the furnishing of copies, printouts or photographs for such commercial purpose. The governor, upon application from a custodian of public records, shall determine whether the commercial purpose is a misuse or an abuse of the public record. If the governor determines that the public record shall not be provided for such commercial purpose the governor shall issue an executive order prohibiting the providing of such public records for such commercial purpose. If no order is issued within thirty days of the date of application, the custodian of public records shall provide such copies, printouts or photographs upon being paid the fee determined pursuant to subsection A.

C. A person who obtains a public record for a commercial purpose without indicating the commercial purpose or who obtains a public record for a noncommercial purpose and uses or knowingly allows the use of such public record for a commercial purpose or who obtains a public record for a commercial purpose and uses or knowingly allows the use of such public record for a different commercial purpose or who obtains a public record from anyone other than the custodian of such records and uses it for a commercial purpose shall in addition to other penalties be liable to the state or the political subdivision from which the public record was obtained for damages in the amount of three times the amount which would have been charged for the public record had the commercial purpose been stated plus costs and reasonable attorney fees or shall be liable to the state or the political subdivision for the amount of three times the actual damages if it can be shown that the public record would not have been provided had the commercial purpose of actual use been stated at the time of obtaining the records.

D. For the purposes of this section, "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.