



May 19, 2023

Via e-mail to edfirstnc@gmail.com

Sloan Rachmuth
Education First Alliance

RE: RR-01686

Dear Ms. Rachmuth,

In response to your recent public records request, our staff has conducted an e-mail search for the fifteen (15) month period you identified using three (3) ECU e-mail accounts and the keywords/phrases you provided. Our search yielded 2,904 e-mails.

Pursuant to N.C. Gen. Stat. §132-6.2., “Provisions for copies of public records; fees” ECU’s regulation on Public Record Requests states as follows:

5.1 Special Service Fee. The University will not charge for the time of its employees if responding to a request requires fewer than a total of four (4) hours of employee time. The University, however, considers (4) or more hours of information technology, clerical or supervisory employee time as constituting extensive assistance; the University will charge a special service fee (based upon the hourly rate of pay of the employee(s) who will respond to the request, rounded to the next whole dollar). The ‘hourly rate of pay’ of salaried employees is arrived at by applying the standard of 2080 work hours in one work year, which is divided into the annual rate of pay for the employee. The special service fee shall be based on the actual hours of labor required to respond to the request above and beyond the first four (4) hours (which remain free). In no case will there be a charge for the time incurred by practicing attorneys of the Office of University Counsel.

5.2. Estimate of Special Service Fee. In order to avoid surprise to the requestor, where it reasonably appears that responding to a request will require four (4) or more hours of information technology, clerical or supervisory employee time, the custodian shall estimate the total cost prior to gathering the requested documents and/or information and provide the estimate to the requestor in writing. If the requestor objects to the estimate the parties may seek by mutual agreement to adjust the estimate, which may include adjustment of the scope of the request. If the requestor raises no objection to the estimate or agrees to an estimate after negotiation, and the University retrieves the requested documents and/or information, but the requestor thereafter refuses to pay the special service fee, then the University may withhold the documents and/or information until payment is received. Multiple requests within a relatively short period of time from the same individual or the same organization may

be considered a single request for purposes of determining whether the four (4) hour threshold has been reached.

Due to the scope of the search and the extensive amount of time expended by our staff in fulfilling the request, we have determined that responding to the request will require more than four (4) hours of employee time, as set forth below. For that reason, as referenced in the relevant ECU regulation and as allowed by North Carolina law, a fee will be imposed for production of the requested records.

We anticipate that a thorough review of the 2,904 e-mail communications (including attachments) produced by the search will take approximately 96.8 hours and have calculated the following amount of time spent by our staff responding to the request.

ESTIMATE OF COST TO REVIEW/REDACT RECORDS FOR RESPONSIVENESS TO PUBLIC RECORDS REQUEST

Number of E-mails	Estimated Time to Review/Redact Each E-mail with attachments	Total Estimated Time to Review all E-mails and attachments	Employee Hourly Salary	Estimated Cost to Review all E-mails and Attachments
2,904	2 minutes	92.8*	\$ 25.00	\$ 2,320.00

*Allowing for four (4) free hours

Based upon the above estimate, please kindly advise whether you would like to go forward with the cost of production of the requested records. In order to proceed with your records request, we ask that full payment of \$2,320.00 be received by our office, prior to our completion of this extensive review. The time spent by our staff in reviewing the records will be tracked; any additional amounts incurred will be invoiced and paid prior to the actual production of the records. In the event the review does not take as long as estimated, payment will be refunded accordingly.

Thank you for your attention in this matter. We look forward to your response.