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## 29 C.F.R. § 70.40

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### Charges assessed for the production of records.

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(a) *General.* Components shall charge for processing requests under the FOIA in accordance with the provisions of this section and with the OMB Guidelines. In order to resolve any fee issues that arise under this section, a component may contact a requester for additional information. Components will ensure that searches, review, and duplication are conducted in the most efficient and least expensive manner. A component ordinarily will collect all applicable fees before sending copies of records to the requester.

(b) *Types of charges.* There are three types of charges assessed in connection with the production of records in response to a request, specifically, charges for costs associated with:

- (1) Searching for or locating responsive records (search costs),
- (2) Duplicating such records (duplication costs), and
- (3) Reviewing records to determine whether any materials are exempt (review costs).

(c) *Types of requesters.* (1) There are four types of requesters:

- (i) Commercial use requesters,
- (ii) Educational and non-commercial scientific institutions,
- (iii) Representatives of the news media, and
- (iv) All other requesters.

(2) Depending upon the type of requester, as set forth in paragraph (c)(1) of this section, the charges outlined in paragraph (d) of this section may be assessed.

(d) *Types of charges that will be assessed for each type of request—*(1) *Commercial use request.* When a requester makes a commercial use request, search costs, duplication costs and review costs will be assessed in their entirety.

(2) *Educational or non-commercial scientific institution request.* When an educational or non-commercial scientific institution makes a request, only duplication costs will be assessed, excluding charges for the first 100 pages.

(3) *Request by representative of news media.* When a representative of the news media makes a request, only duplication costs will be assessed, excluding charges for the first 100 pages.

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