



TITLE	POLICY NUMBER	
Public Information Requests	DCS 14-06	
RESPONSIBLE AREA	EFFECTIVE DATE	REVISION
Office of Correspondence	08/13/24	

## POLICY STATEMENT

- I. The Department of Child Safety (DCS) recognizes the importance of public access to government information such as statistics, policy, and reports to support accountability and transparency. DCS information that is not confidential or otherwise protected may be available to the public. Although there is a presumption in favor of access to public information and records, this presumption is limited by federal and state laws that require confidential treatment of certain information, and other considerations of confidentiality, privacy, and the best interests of the State of Arizona. DCS is *not* required to:
- answer questions unrelated to DCS policies, procedures and/or operations;
  - answer questions requiring legal analysis;
  - perform legal research;
  - create new information in response to public information requests.

II.

## APPLICABILITY

This policy applies to individuals making a public records request under A.R.S. Title 39, Chapter 1, Article 2, as well as individuals seeking non-confidential, aggregated data from the Department's case management information system. As a public body under Arizona law, DCS and its employees are subject to the Arizona Public Records Law.

This policy applies to any policy manual, administrative data, reports mandated by A.R.S. § 8-526, and information produced or acquired in the course of doing DCS business unless specifically exempted by law. Requests may include published reports, information about program requirements, targeted requests for specific aggregate data that can be extracted from the Department's case management information system, and

other similar material. In response to a public records request, DCS is not required to tally and compile previously un-tallied and un-compiled information or data in its database or provide analysis of data. However, the Department shall take appropriate steps to query and search its database to determine if such data exists and to identify, retrieve, and produce responsive data and records when practical to do so.

Any person may request to examine or be furnished copies, printouts or photographs of any public record *not otherwise available* on the DCS website ([A.R.S. § 39-121.01](#)).

### **AUTHORITY**

III.	<a href="#">A.A.C. R2-5A-105</a>	Records
	<a href="#">A.R.S. § 8-526</a>	Child welfare; reporting requirements
	<a href="#">A.R.S. § 8-807</a>	DCS information; public record; use; confidentiality; violation; classification; definition
	<a href="#">A.R.S. §§ 39-101 to 161</a>	Arizona Public Records Law
	<a href="#">A.R.S. § 39-171</a>	Public records; requests; point of contact

IV.

### **DEFINITIONS**

Department or DCS: The Arizona Department of Child Safety.

Public Information: Aggregated, non-case specific data including the program and outcome data published by DCS, as well as records, reports, policies, or other materials possessed by DCS in pursuance of its statutory obligations.

V. Records: Books, papers, maps, photographs, or other documentary materials regardless of physical form or characteristics, made or received by DCS in pursuance of law or in connection with the transaction of public business and preserved by the Department as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of government.

### **POLICY**

A. Availability of Public Information

1. Information maintained by DCS is available in response to a public records request unless the Office of Correspondence (OOC), in consultation with the Office of the Attorney General or General Counsel's Office, when needed, determines that:
  - a. it is confidential by law (statute, rule, or privilege);
    - i. When confidential and public information are commingled in a single document, a copy of the document may be made available for public inspection with the confidential material removed or redacted.
  - b. privacy interests outweigh the public's right to know;
    - i. Protecting personal privacy may justify an exception to the general presumption of access to public records. An exception is warranted when the disclosure would invade an individual's privacy and that invasion outweighs the public's right to inspection.
    - ii. The Department shall evaluate whether this exception is warranted and if the information in question is available through alternative means.
    - iii. The Department provides data and information only in forms that do not allow identification of Department consumers, i.e., as aggregated data. The Department may provide case specific data that have been redacted in order to remove any information that could be used to identify the client(s), others mentioned in the record, or Department staff. However, a data sharing agreement may be necessary to provide case specific data.
    - iv. Documents that relate solely to personal matters and are not related to official duties are not public records even if the Department possesses them.
  - c. disclosure is not in the best interest of the state.
    - i. DCS may refuse inspection of public records to protect the best interests of the State where inspection might lead to

substantial and irreparable private or public harm.

ii. DCS shall balance the possible adverse impact on its operations if the information in question is disclosed against the public's right to be informed about the operations of its government.

d. the documents are relevant to active litigation.

2. Although Arizona's Public Records Law is wholly separate from the federal law regarding disclosure of public information as required under the Freedom of Information Act (FOIA), when OOC receives a record request citing FOIA it shall, to the extent permissible under Arizona laws and rules and Federal laws, provide the information requested.

#### B. Office of Correspondence Duties

1. OOC shall be responsible for responding to public information requests from external individuals or organizations.
  - a. OOC shall maintain a database of all public information requests, including the date received, name of requestor, description of material requested, description of material disclosed, reason for denial of request (if applicable), and date closed.
  - b. OOC shall respond to public information requests even if the request does not reasonably describe an identifiable record, the requested record does not exist, or the record is exempt from disclosure.
2. OOC shall contact requestors, if necessary, for clarification about the public information they are requesting.
3. OOC shall reply to requests for public information within a reasonable time from the receipt of the request. All requestors who submit a records request shall receive a reply within five business days from a DCS employee that is authorized and able to provide the information acknowledging receipt of their request
  - a. Additional time may be needed due to the size and scope of the request, complicated request parameters, unresolved legal issues, difficulty in accessing certain information, or other practical reasons. The amount of time reasonably necessary to release

information may vary depending on the nature of the request.

- b. If OOC cannot provide the requested public information within a two week timeframe (for example, if the requested material contains confidential information that must be redacted), OOC shall inform the requesting party that the response will be delayed and the reason for the delay.
  - c. When additional time is needed to fulfill a request, DCS may provide partial information while working toward a full response.
4. OOC shall consult with the Office of the Attorney General when guidance is needed regarding the release of information, including whether to withhold, or provide redacted, information.
  5. OOC shall notify the requestor if the request has been denied in whole or in part. If the request is denied, OOC shall identify the reason for the denial, citing one of the four determinations (a, b, c, or d) in section V.A.1 without any further explanation.

#### C. Requestor Responsibilities

1. The Department is unable to accommodate requests for information that require the creation of new queries. While DCS supports the concept of social research and recognizes the value of the Department's database to public entities, it must set priorities for use of staff resources. Requests for aggregate data that are not routinely available and require significant Department resources may be subject to the requirements described in the *Research Review Requests Policy* ([DCS 14-02](#)).
2. Requestors must identify as specifically as possible the information sought.
3. Requestors are not required to state the reason for which the public information is being sought. They are required to avow that the information sought will not be used for any commercial purpose, or any purpose for which the requestor can reasonably anticipate monetary gain.
4. DCS may charge a fee it deems appropriate for copying records, including a reasonable amount for the cost of time, equipment, and personnel used in producing copies of public information.

## PROCEDURES

### A. Modes of Requests for Public Information

VI.

An individual may make a request for information only by delivering a written request by one of the following methods to the DCS Office of Correspondence:

1. U.S. mail;
2. electronic mail;
3. hand delivery.

If the requestor of a DCS case file is the person, or the agent of a person, who is (or was) involved in a DCS report or investigation, the requestor may complete and submit a *DCS Records Request* ([CSO-1036A](#) or [CSO-1036AS](#)) form to the DCS Centralized Records Coordination Unit (CRCU).

### B. Website Access to Public Information

1. Non-case specific DCS department records may be accessed by visiting the DCS website (<https://dcs.az.gov/>); from the Resource tab, select “Request DCS Information”.
  - a. If requesting a DCS department report (excluding communication received by the centralized intake hotline that alleges child abuse or neglect), policy or training documents, click the *Publications, Policy and Training Documents* link to display the *Request for Information* page, then select the specific option radio button to determine if that item is already publicly available. To continue with the request, complete the fields and select the appropriate radio button on the *Request for Information* page.
  - b. If requesting non-case specific DCS department records, click the *Communications Department* link to display the *Request for Information* page.
  - c. News organizations requesting media information about DCS may click the *Media* link to display the *Request for Information* page.
  - d. If requesting information about a DCS employee, click the *Human Resources* link to display the *Request for Information* page.

2. Upon completion of submitting the request on the DCS website, an electronic mail notification will be sent immediately to the OOC to process the request.

C. Copies and Copying Fees

1. A person requesting copies for a non-commercial purpose may be charged a copying fee, which includes a reasonable amount of the cost of time, equipment, and personnel used in producing copies. OCC will estimate the costs to the requestor in advance
2. Fees are not charged for labor, redaction, overhead costs, or to examine or review a record to determine whether the record shall be provided to the requestor.
3. 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. Public information may not be inspected at times, or in ways, that disrupt public business.
4. When a requestor only wants to inspect the record, the Department may not charge a copying fee. Furthermore, if the requestor makes copies of public records using his or her own personal device, the Department may not charge a copying fee.

VII.

**FORMS INDEX**

[\*DCS Records Request \(CSO-1036A\)\*](#)

[\*DCS Records Request \(CSO-1036AS\)\*](#)