

Across-States Comparison of Public Records response times.

This table shows the allowable time limit for state agencies to provide public records, in response to a formal request, for those 35 states that give a statutory deadline or where one has been established by courts. **Half the states allow no more than 5 working days.** Under the de facto rule established by the Oregon Department of Justice, **Oregon agencies are allowed 30 working days.** This is longer than any other state except New York.

State:	Time Limit, in days.
Arizona	1
Florida	1
Maryland	1
Montana	1
Vermont	2
Arkansas	3
Colorado	3
Idaho	3
Louisiana	3
Georgia	3
Kansas	3
Kentucky	3
Missouri	3
Connecticut	4
Nebraska	4
Hawaii	5
Maine	5
Michigan	5
New Hampshire	5
Washington	5
West Virginia	5
Illinois	7
Indiana	7
Ohio	8
Alaska	10
California	10
Delaware	10
Iowa	10
Massachusetts	10
Pennsylvania	10
Rhode Island	10
Utah	10
Mississippi	14
D.C.	15
New Mexico	15
New York	25
Oregon (de facto AG's rule)	30

Note: All data is from <http://www.rcfp.org>, downloaded 11/9/08. See notes below for details.

Alaska

As a general rule, the state regulations provide that the agency maintaining the requested records must furnish all requested records that are disclosable **"as soon as practicable," but no later than the tenth working day** after the agency receives a written request that complies with the regulations. 2 AAC 96.325(a).

Arkansas

Access to records apparently must be granted immediately unless the records are in active use or storage, in which case they must be made available within three working days of the request. Ark. Code Ann. § 25-19-105(e).

Arizona

Since the Arizona Public Records Law mandates that "[p]ublic records and other matters in the custody of any officer shall be open to inspection by any person at all times during office hours," the law creates a presumption in favor of immediate access to the documents. A.R.S. § 39-121 to 39-125.

California

Copies of non-exempt public records must be made "promptly" available to the requester. However, the CPRA expressly allows 10 days from receipt of the request for the agency to make a determination as to whether a specific record is a discloseable public record in the possession of the agency. Cal. Gov't Code § 6253(c). This does not mean that the agency may take 10 days on all requests for public records. It simply means that where a question exists about whether the record is exempt from disclosure or whether the record is in the agency's possession, the agency may take up to 10 days to make its determination. See Cal. Gov't Code § 6253(d)("Nothing in this chapter shall be construed to permit an agency to obstruct the inspection or copying of public records.")

An agency also must allow for the inspection of public records at all times during the office hours of the agency. Cal. Gov't Code § 6253(a). Presumably, the agency would be allowed the same time period as with a request for copies of records to make its determination following a request for inspection if the public status of the record is unclear.

Colorado

If the public records requested are not readily available at the time an applicant asks to examine them, the custodian shall notify the applicant of this fact, and if requested by the applicant, the custodian shall set a date and hour at which time the records will be available for inspection

within a reasonable time after the request. A **"reasonable time" shall be presumed to be three working days or less.** Under extenuating circumstances such period may be extended to no more than seven working days. A finding that extenuating circumstances exist shall be made in writing by the custodian and shall be provided to the person making the request within the three-day period. Colo. Rev. Stat. § 24-72-203(3).

Connecticut

FOIA states that: "[a]ny denial of the right to inspect or copy records provided for under section 1-210 shall be made to the person requesting such right by the public agency official who has custody or control of the public record, in writing, within four business days of such request, except when the request is determined to be subject to subsections (b) and (c) of section 1-214, in which case denial shall be made in writing within ten business days of such request.

District of Columbia

Disclosure must be made, or denied, within 15 days, excluding weekends and legal holidays. D.C. Code Ann. § 2-532(c). In unusual circumstances, defined by the statute, an agency may extend the deadline up to 10 days, excluding weekends and holidays. Id. § 2-532(d).

Delaware

The Attorney General has suggested that responses should issue within 10 days after receiving a request, absent special circumstances requiring a longer delay. Del. Op. Att'y Gen., No. 91-I003 (Feb. 1, 1991). If the requested information is not exempt, agencies must give "reasonable" access to records during "regular business hours and [at the] place of business." 29 Del. C. §§ 10003(a), 10112(b)(3).

Florida

The only delay permitted in the release of requested records is limited to a reasonable time to allow the custodian of the records to retrieve the records and delete those portions exempt from disclosure. *Tribune Co. v. Cannella*, 458 So.2d 1075 (1984), appeal dismissed, 471 U.S. 1096 (1985); **Michael v. Douglas**, 464 So.2d 545 (Fla. 1985)(24 hour delay held to violate Chapter 119).

Idaho

The Idaho Public Records Act sets out specific time limits for an agency response to a request for inspection. **An agency has three working days to either grant or deny the request for information. Idaho Code § 9-339(1). Although agencies legally have up to three working**

days to respond, agencies should not delay three days to provide any information that is readily accessible. If you feel that the agency is able to provide you with access to a public record in a shorter period than three working days and is refusing to provide you with more timely access for some improper reason, you should complain to a superior in the agency and to an Idaho legislator. At the time the act was passed into law, the legislature indicated that groundless delays in providing access to records would lead to a shortening of the allowable response period.

Louisiana

Within three days, exclusive of Saturdays, Sundays, and legal public holidays. La. Rev. Stat. Ann. § 44:32(D). Custodian must respond within three days even if still in the process of determining which requested records may be withheld. *Association of Rights of Citizens v. St. Bernard*, 557 So. 2d 714, 716-17 (La. App. 4th Cir. 1990).

Georgia

The Act provides that "[t]he individual in control of such public record or records shall have a reasonable amount of time to determine whether or not the record or records requested are subject to access under this article and to permit inspection and copying. **In no event shall this time exceed three business days.**" O.C.G.A. § 50-18-70(f).

Hawaii

In the case of formal requests, the agency has ten business days to disclose government records that will be disclosed in its entirety. Haw. Admin. Rules § 2-71-13(a). For those records that will be segregated before being disclosed,

...

Id. § 2-71-14(a). **Within five business days of providing notice and after receiving prepayment of fees, if required, the agency must disclose the public part of the requested government record.** Id. § 2-71-11(b)(1). In extenuating circumstances, the agency may first provide a written acknowledgement within ten business days. Id. § 2-71-11(c). That acknowledgment must be followed by a written notice sent within twenty business days of the date when the agency received the request. Id. § 2-71-11(c). Within five business days after providing notice or after receiving prepayment, if required, the agency must disclose the public parts of the requested record. Id. § 2-71-11(c).

Iowa

"A reasonable delay for this purpose [i.e. to determine whether a confidential record is available for inspection and copying] should not exceed twenty calendar days and ordinarily should not exceed ten business days." Iowa Code § 22.8(4)(d).

Illinois

Each public body must either comply with or deny a written request for public records within seven working days after receiving it. See 5 ILCS 140/3(c).

Indiana

Under Ind. Code § 5-14-3-9, **a denial is deemed to occur: (a) in the case of a request for the record made in person or by telephone, immediately upon refusal by a person designated by an agency to make records disclosure decisions, or 24 hours after any other employee of the agency refuses to permit inspection and copying of the public record; or (b) in the case of a request by mail or facsimile, seven days after the request has been received and disclosure has not been made.** So even if an agency promises to provide the records, but cites inadequate staff resources to search for and copy the records, the request is deemed denied if the record is not produced in that time frame.

Kansas

The statutory time in which a request must be acted upon is as soon as possible, but **not later than the third business day following** the date the request is received. K.S.A. 45-218(d).

Kentucky

A public agency has **three days after receipt of a request to notify** in writing the requester of the agency's decision to allow or deny inspection of the public record. KRS 61.880(1).

An agency, which is in litigation with the requester, may not rely on KRS 61.878(1) "to extend its response time to thirty days, under FRCP 34(b), and . . . [is] instead bound to conform to the procedural requirements of the Open Records Act, and in particular the requirement that it respond to the request within three days." 97-ORD-98.

Massachusetts

Statute permits 10-day delay after custodian receives written request for record. G.L. c. 66, § 10(b). Although the Law states that records shall be produced "without unreasonable delay," and later states that they should be produced "within ten days," **the Court has stated that the terms do not clash and that ten days is presumptively reasonable.** The presumption may be

overcome by a requester who can demonstrate a compelling need for earlier disclosure. *Globe Newspaper Co. v. Commissioner of Education*, 439 Mass. 124, 786 N.E.2d 328 (2003).

Maryland

The statute provides a mandatory time frame in which the custodian must act upon the application. § 10-614(b). **Within thirty days** after receiving an application, the custodian must grant or deny the application. § 10-614(b)(1). *Stromberg Metal Works Inc. v. University of Maryland, et al.*, 382 Md. 151, 155, 854 A.2d 1220, 1223 (2004). **Notwithstanding the thirty-day time period, where the right to access is clear, the custodian must act immediately.** See PIA Manual, at 43.

Maine

An agency must provide access to requested records during regular business hours within a reasonable period of time after the request is made. 1 M.R.S.A. § 408(1). If access is denied, the agency has 5 working days to supply in writing its reasons for a refusal to allow inspection of requested records. 1 M.R.S.A. § 409. In practice, an oral request is often not denied in writing, and **many agencies assume they have five days to respond to a request by permitting inspection.**

Michigan

A public body has five business days in which to respond to requests for public records, unless otherwise agreed to in writing by the person making the request. MCLA § 15.235(2). The five "business days" means five consecutive weekdays, other than Saturdays, Sundays, or legal holidays, and not five consecutive days on which the particular body receiving the request is open for public business. 2005 Op. Att'y Gen. No. 7172 (2005).

Minnesota

It is up to the agency to arrange government data so as to "make them easily accessible for convenient use." § 13.03, subd. 1. Requests for government data must be complied with in an "appropriate and prompt manner." § 13.03, subd. 2(a). If a request for access is denied, the agency is required to cite the specific classification upon which reliance is based as "soon after that time [of the request] as possible." § 13.03, subd. 3(f).

Missouri

Three Business Days Rule and "Reasonable Cause" Exception. The Sunshine Law requires that each request for access to a public record be acted upon **as soon as possible, and in no event later than the end of the third business day following the date the request is received** by the custodian of records of a public governmental body. Mo.Rev.Stat. § 610.023.3. The three-day period for document production may be exceeded for "reasonable cause." Id. If access to requested public records is not granted within the three-day period, the Sunshine Law requires the custodian to give a detailed explanation of the cause for further delay and the place and earliest time and date that the requested records will be available for inspection. Id.

Mississippi

The public body must produce the record or deny production **within 14 working days** from the date of a request, or within one day if it has not adopted written procedures. § 25-61-5(1).

Montana

There are no statutory, regulatory or court set time limits for agency response, and the open records act requires that copies be made available "upon demand." There is no case law or statutory law that concludes that delay is recognized as a denial for purposes of appeal, and usually the custodian gives an immediate response with respect to whether the documents will be produced.

North Carolina

The Public Records Law imposes no specific time limits on either requests or responses. G.S. § 132-6 states that a custodian of public records shall make them available "at reasonable times and under reasonable supervision by any person, and shall, as promptly as possible, furnish copies thereof upon payment of any fees as may be prescribed by law." These standards apparently have not been interpreted by the courts. In counseling members of the North Carolina Press Association concerning the timeliness of requests and responses, the NCPA's general counsel has assumed that the quantity and nature of the documents requested would be considered in determining whether a request was timely and whether the response was reasonably prompt.

North Dakota

Nebraska

Neb. Rev. Stat. § 84-712.01 (3) (Cum.Supp. 2004) specifically requires an agency to comply with a request "**as soon as is practicable and without delay, but not more than four business days after actual receipt of the request.**" A court order may require more prompt action than that depending on the circumstances.

New Hampshire

The Statute contains specific time limitations for response to a request for records. "If a public body is unable to make a public record available for immediate inspection and copying, it shall, **within 5 business days of request**, make such record available, deny the request in writing with reasons, or furnish written acknowledgement of the request and a statement of the time reasonably necessary to determine whether the request shall be granted or denied." RSA 91-A:4, IV. The Supreme Court has held that an agency may be justifiably "unable" to produce a record immediately if it is simply too busy or is understaffed. *Brent v. Paquette*, 132 N.H. 415 (1989); *Gallagher v. Town of Windham*, 121 N.H. 156 (1981) (permitting removal for use by government official in discharge of official duties).

New Jersey

New Mexico

Custodian is obligated to permit the inspection immediately or as soon as practicable under the circumstance, **but not later than 15 days after receiving a written request. If the inspection is not permitted within three (3) business days, the Custodian shall explain in writing when records will be available** or when the public body will respond to the request. § 14-2-10, NMSA 1978.

Nevada

Neither the Act nor state regulations provide a time limit on agency response.

New York

Under FOIL, an agency must respond within five business days upon receipt of a written request for a record reasonably described. N.Y. Pub. Off. Law § 89(3) (McKinney 1988). Within that time, the agency must do one of the following: (1) grant the request and, upon payment of or offer to pay the prescribed fee, provide a copy of the requested record and certify to its correctness if so requested; (2) deny the request in writing; or (3) provide a written acknowledgment of receipt of the request and a statement of the approximate date when such

request will be granted or denied. If the agency fails to acknowledge the written request for a record within five business days, or fails to give an approximate date which is reasonable under the circumstances as to when the agency's decision to grant or deny access to the record will be made, then this non-compliance shall constitute a denial. Public Officers Law § 89(4)(a) (McKinney 2005).

If the agency determines to grant access to a record as indicated above, **it has twenty business days from the date of its acknowledgement of the receipt of the request, to grant the requester access to the record.** If there are reasonable circumstances as to why the agency cannot meet this twenty business day deadline, the agency shall inform the requester in writing of the reason why this deadline cannot be met, and provide as well a date certain when access to the record will be granted. Public Officers Law § 89(3) (McKinney 2005). If the agency fails to conform to these requirements, this shall constitute a denial of access to the record, which shall also be grounds for an appeal to the head of the agency or to the agency's designated appeals officer. As in other cases of denial of access to a record, the requester has thirty days to bring an appeal, and the appeal must be decided by the appeals officer within ten business days. Id., § 89(4)(a).

Ohio

The statute provides different generalized time frames, depending on whether the requester seeks inspection or copying. The statute requires public offices to "promptly" prepare public records for public inspection and that inspection be permitted "at all reasonable times during regular business hours." The statute requires public offices to **make copies of public records available "within a reasonable period of time."** Ohio Rev. Code § 149.43(B)(1)(3).

The court found that a city's delays of up to 24 days to prepare and provide access to requested accident reports were not "prompt" and, thus, justified a writ of mandamus. The court granted the writ of mandamus to compel the city to prepare and provide access to motor vehicle accident reports **within eight days** after accidents occur, the time frame sought by the requester. State ex rel. Wadd v. City of Cleveland, 81 Ohio St. 3d 50, 689 N.E.2d 25 (1998); see also State ex rel. Consumer News Servs. Inc. v. Worthington City Bd. of Educ., 97 Ohio St. 3d 58, 776 N.E.2d 82 (2002) (**finding that a six-day delay was not prompt, defining "prompt" as without delay and with reasonable speed**).

Oklahoma

The act does not address specific time limits. It is therefore advisable that a time for the response be included with the written request.

Oregon

This is a hole in Oregon's statutory scheme. ORS 192.440(1)(b) provides only that a requester must be given a "reasonable" opportunity to inspect and copy records, which, according to the

Attorney General, means records must be provided within a reasonable time. Some requesters state in their written request that if they do not get a response within a specified time, they will deem a lack of response to be a denial, entitling them to appeal. No appellate decision has addressed that, but it is clear that a public body must have an opportunity to review and respond before an appeal may be taken. *Morse Bros. v. ODED*, 103 Or. App. 619, 798 P.2d 719 (1990).

Pennsylvania

The amount of time allowed for such a response depends on whether the agency is a "Commonwealth agency" or a "Non-Commonwealth agency." A Commonwealth agency -- typically agencies based in the state capital of Harrisburg, see 62 Pa. Cons. Stat. § 103 -- must respond within "**ten business days from the date the written request is received**" by the agency. 65 Pa. Cons. Stat. § 66.3-3(a). A Non-Commonwealth agency -- defined as "an agency which is not a Commonwealth agency" -- must respond "**within five business days from the date the written request is received**" by the agency. 65 Pa. Cons. Stat. § 66.3-4(a). If an agency fails to send a response within these time periods, "the written request for access shall be deemed denied." *Id.* (This deemed denial is an improvement over pre-2002 Amendments procedure, which did not allow appeals where the agency had failed to respond one way or another to the request; in such situations, the requester was forced to file a mandamus petition compelling the agency to respond, and then file an appeal if the agency denied the request.)

The 2002 Amendments, however, allow agencies a much longer time to respond -- 40 days for Commonwealth agencies and 35 days for Non-Commonwealth agencies -- if the agency determines that one of six exceptions apply:

1. the request requires redaction
2. the request requires retrieval of a record "stored in a remote location"
3. a timely response to the request cannot be accomplished "due to bona fide and specified staffing limitations"
4. a "legal review" is necessary to determine whether the record is a public record subject to access under the Act
5. the requester has "not complied" with the agency's policies
6. the requester refused to pay applicable fees authorized by the Act

In summary:

Commonwealth agencies must respond within 10 business days of receiving a request, and may have up to 40 days to respond if one of the enumerated exceptions described above is satisfied. 65 Pa. Cons. Stat. § 66.3-3(a), (b). Non-Commonwealth agencies must respond within 5 business days of receiving a request, and may have up to 35 days to respond if one of the enumerated exceptions described above is satisfied. 65 Pa. Cons. Stat. § 66.3-4((a), (b).

Rhode Island

Records must be made available for inspection and copying "at such reasonable time as may be determined by the custodian thereof." R.I. Gen. Laws § 38-2-3(a). The custodian is required to tell the requester if the records are in active use or in storage, and to make an appointment for the requester "to examine such records as expeditiously as may be made available." R.I. Gen. Laws § 38-2-3(d).

However, **any denial of the right to inspect or copy records must be made by the public body in writing giving the specific reasons for the denial within ten (10) business days** of the request and indicating the procedures for appealing the denial. Except for good cause shown, any reason not specifically set forth in the denial shall be deemed waived by the public body. R.I. Gen. Laws § 38-2-7(a).

South Carolina

None.

South Dakota

No provision.

Tennessee

Neither the Act nor regulatory rules provide a time limit on agency response. See *Davis v. Sanders*, 2001 Tenn. App. LEXIS 199, n.1 (Tenn. Ct. App. Oct. 31, 2000) (confirming this fact).

Texas

Where a request for public information has been made, the officer for public information "shall promptly produce [such] information for inspection, duplication, or both on application." § 552.221(a); *Moore v. Collins*, 897 S.W.2d 496, 499 (Tex. App.-Houston [1st Dist.] 1995, no writ) (the Act requires officers "to produce public [information] upon request"). Section 552.228 instructs governmental bodies to provide a "suitable copy of public information within a reasonable time" after the request. What is "reasonable" depends on the facts surrounding each request. *Tex. Att'y Gen. ORD-467* (1987). If the information is in active use or in storage, the officer for public information should certify this fact in writing and set a reasonable date and hour when the information will be made available. See § 552.221(c). The 1995 legislature amended § 552.222 to allow a governmental body to ask the requester to clarify the request if it is unclear and to discuss the scope of the request if a large amount of information is requested. The 1995 legislature also amended section 552.221 to specify that an officer for public

information complies with the Act by providing the public information for inspection or duplication in the offices of the governmental body or by sending copies of the public information by first class mail. Section 552.225(b) gives the person requesting the information 10 days to examine it after it has been made available. The requester may extend the examination period by an additional 10 days if a written request for such extension is filed with the officer of public information before the initial period expires. A second 10-day extension may also be obtained in this manner. § 552.225(b).

If a governmental body receives a written request that it believes falls within one of the exceptions listed in the Act, it may still choose to release the information, unless the information is deemed confidential by law. If the governmental body believes the material falls within an exception and does not want to release the information., the governmental body must, no later than 10 business days after receiving the written request, request a decision from the Attorney General as to whether the information falls within the stated exception. § 552.301(b). This 10-day limit, however, is tolled between the time that the governmental body requests in good faith a clarification or narrowing of the request and the time that the governmental body receives a clarification or narrowing response. Tex. Att'y Gen. Nos. ORD-663 (1999), ORD-333 (1982). A governmental body that requests an Attorney General decision must provide to the requester within a reasonable time, but not later than the tenth business day after the date of receiving the request, a written statement that the governmental body wishes to withhold the requested information and has asked for a decision from the attorney general, as well as provide the requester with a copy of the governmental body's written communication to the Attorney General. § 552.301(d).

If the governmental body fails to make a timely request for an Attorney General's opinion, "the information requested in writing is presumed to be subject to required public disclosure and must be released unless there is a compelling reason to withhold the information." § 552.302. When a private third party's interest is at stake, the presumption can be overcome by a less compelling demonstration. Tex. Att'y Gen. ORD-319 (1982). The governmental body's letter to the Attorney General requesting an opinion is public under the Act, Tex. Att'y Gen. ORD-459 (1987), and must be disclosed to the requester. § 552.301(d)(2). A governmental body requesting an Attorney General opinion must, within a reasonable time but no later than the fifteenth business day after receiving the written request for information, submit to the Attorney General (A) written comments stating the reasons why the stated exception(s) apply that support the withholding of information requested, (2) a copy of the written request for information, (C) a signed statement as to the date on which the written request was received, and (D) a copy of the specific information requested, or submit representative samples of the information if a voluminous amount of information was requested. § 552.301(e).

Section 552.306 provides that the Attorney General "shall promptly render a decision . . . consistent with the standards of due process" and issue a written opinion. Under revisions passed by the 1995 legislature, the Attorney General may determine whether the submission of information is sufficient to render a decision. If the governmental body has failed to provide the Attorney General with all of the specific information necessary to render a decision, the Attorney General is required to give written notice of that fact to the governmental body and to the requester. The governmental body then has seven calendar days to submit the necessary additional information; otherwise, the requested information is presumed to be public. §

552.303(d), (e). Any member of the public may submit written comments stating reasons why the information should or should not be released. § 552.304. If an information request might involve a third party's privacy or property interests, section 552.305 provides that "a governmental body may decline to release the information for the purpose of requesting an attorney general decision." In such a case, the governmental body that requests an Attorney General decision shall make, no later than the tenth business day after receipt of the request, a good faith attempt to notify that person of the request for the Attorney General decision. § 552.305(d). Such third parties "whose interests may be involved . . . or any other person, may submit in writing to the attorney general the person's reasons why the information should be withheld or released." § 552.305(b).

The Attorney General must render a decision within 45 working days after receiving the request for a decision. § 552.306(a). If the Attorney General is unable to render a decision within that period, the Attorney General may extend that period by 10 working days by informing the governmental body and the requester, during the initial 45-day period, of the reason for the delay. § 552.306(a). The Attorney General's opinion must be in writing, copies of which must be provided to the requester. § 552.306(b).

The Act does not set out any procedure for appealing the Attorney General's decision. The governmental body requesting the Attorney General opinion is bound by that opinion unless it challenges it in court. § 552.324(b). The governmental body has 30 calendar days to file a court challenge. § 552.324(b).

Utah

The governmental entity is required to **respond to a written request no later than ten business days after receipt of the request**. If the request is entitled to expedited treatment, the governmental entity must respond within five business days after the receipt of the request. Utah Code Ann. § 63-2-204(3)(a) (2004).

In order to obtain an expedited response, the requester must demonstrate that the record request benefits the public rather than the individual requester. Utah Code Ann. § 63-2-204(3)(a) (2004). Journalists requesting records for publication or broadcast are presumed to be acting to benefit the public. Id. § 63-2-204(3)(b).

Virginia

Not addressed.

Vermont

The custodian ordinarily has two business days to search and respond if the request cannot be filled on the spot. 1 V.S.A. § 318(a)(2). However, any time limit [either the initial two-day response period, or the five-day appeal response period, see ¶ C, *infra*] may be extended up to

ten working days by written certification that one (or more) of three "unusual circumstances" exist: (1) need to search or collect records from field offices; (2) need to search or collect voluminous records; or (3) need to consult with another agency. See 12 V.S.A. § 318(a)(5).

Washington

Promptness. As mentioned above, the Public Records Act requires agencies to make a prompt response to requests for public records. RCW 42.17.320 (recodified as RCW 42.56.520, eff. 7/1/06). **"Promptness" means as soon as practicable, but, in any event, no longer than five days unless the agency can establish that it is impossible to meet the five-day deadline.** Id. Thus, after five business days have passed, a requesting party can sue an agency for violating the promptness requirement.

Wisconsin

Records must be produced by the authority "as soon as practicable and without delay." Wis. Stat. § 19.35(4)(a). Delay is not the equivalent of a denial, but any delay in granting access may become the basis for the institution of a suit to obtain access. Wis. Stat. § 19.37(1). On the other hand, a response declaring that the requested records will not be produced until some uncertain date in the future will be treated as a denial. *WTMJ Inc. v. Sullivan*, 204 Wis. 2d 452, 555 N.W.2d 140 (Ct. App. 1996).

West Virginia

W. Va. Code § 29B-1-3(4), mandates that each "custodian, upon demand for records made under this statute, shall **as soon as practicable but within a maximum of five days** not including Saturdays, Sundays or legal holidays:

- (a) Furnish copies of the requested information;
- (b) Advise the person making the request of the time and place at which he may inspect and copy the materials; or
- (c) Deny the request stating in writing the reasons for such denial."

Wyoming

There are no provisions dealing with statutory, regulatory or court-set time limits for agency response to request to obtain records. Under Wyo. Stat. § 16-4-202(a) (1977, Rev. 1982), the official custodian has the authority to make rules and regulations regarding the inspection of the records so that inspection will not interfere with the regular discharge of the custodian's duties. See Preface.

The requester must have notice of the hearing denying review. Wyo. Stat. § 16-4-203(g) (1977, Rev. 1991).

