

<b>State Library of Oregon Policy</b>	
<b>Public Records Request</b>	
Approved by: Jennifer Patterson	Date: 8/1/19

**Policy Statement:** Oregon laws require that all records of public agencies be available, upon request, to any member of the public unless the information is specifically exempt from such disclosure. As a state agency, the State Library will adhere to this mandate and ensure that all public information not specifically exempt by statute is released upon request.

**Authority:** ORS 192.410 through 192.595 and Statewide Policy – Information Asset Classification Policy Number 107-004-050.

**Applicability:** All State Library employees and State Library Board.

**Attachments:** None

**Definitions:**

“Public body” includes every state officer, agency, department, division, bureau, board and commission; every county and city governing body, school district, special district, municipal corporation, and any board, department, commission, council, or agency thereof; and any other public agency of this state.

“Public record” includes any writing that contains information relating to the conduct of the public’s business, including but not limited to court records, mortgages, and deed records, prepared, owned, used or retained by a public body regardless of physical form or characteristics.

“Public record” does not include any writing that does not relate to the conduct of the public’s business and that is contained on a privately owned computer.

**Policy:**

This policy outlines the process by which the public may access the State Library information; including costs associated with fulfilling such requests, and avenues for appeal should access be denied. The purpose of this policy and the accompanying procedure is to establish an orderly and consistent procedure for responding to public records requests, and to establish a fee schedule to reimburse the State Library for the actual costs incurred in responding to public records requests (see ORS 192.410 through 192.595).

I. General Standards

- A. The State Library will respond to written requests from the public to review or receive copies of agency records.
- B. The State Library may charge the requestor the actual cost of making the record available, including staff time spent in locating the record, deleting exempt materials, supervising the public inspection of original documents, or copying costs.
- C. Upon request, the State Library will provide a place for a requestor to view the records.
- D. Staff will contact the Oregon State Archive to request an archived file.

II. Appeal of agency decision to deny request

- A. If a request for agency records is denied, the person denying the request shall inform the requestor of the right to appeal the decision.

III. Exemption from public record

- A. The following information, covered by Oregon Revised Statute 192.502(23) is exempt from public records disclosure; see Library Patron Record Disclosure Policy.  
(23) The records of a library, including:
  - (a) Circulation records, showing use of specific library material by a named person;
  - (b) The name of a library patron together with the address or telephone number of the patron; and
  - (c) The electronic mail address of a patron.
- B. Statewide Policy 107-004-050 ensures State of Oregon information assets are identified, properly classified, and protected throughout their lifecycles. Based on the schema included in the policy, the State Library requires that all public information requests for information above the "Published" level are approved by a manager. For an understanding of the various levels of asset classification please review one of the following documents. [Information Asset Classification Policy](#) or [Information Asset Classification Methodology](#).

This is necessary to ensure no exempt records are released and proper asset security is maintained.

**Records Request Process:**

Activities to be reimbursed on an at-cost basis include but are not limited to: locating, compiling, summarizing, printing, copying and distributing the information, and taking any other steps reasonably required to make the information available.

The following procedure will be followed in implementing this policy:

- All requests will be referred to the appropriate Program Manager.
- A person or organization may request to inspect or receive copies of a public record or information from public records by mail, fax or email.

- Responses will be prepared by the appropriate Manager in consultation with the State Librarian and with assistance from staff as needed.
- The request must identify as specifically as possible the type of record(s), subject matter, approximate date(s), names of persons involved and the number of copies requested. All requests must include the name, address and telephone number of the person requesting the public record(s). Requesters are not required, but are encouraged, to indicate the format in which any copies are desired and the date, if any, by which the records are needed
- For large requests, the State Library shall respond to the requestor with an estimate of expected charges no later than 10 working days after receiving the request. The department's response will contain an acknowledgment of the request, a list of the fees charged to provide records, an estimate of the expected cost of meeting the request, and the expected date and location at which the information will be provided after payment is received.
- Information involving employee personnel files will be handled by the Human Resources Manager.
- Original materials may be inspected on-site only and may not be removed from the State Library property.
- The State Library reserves the right to provide information in a different format than requested (e.g., in print instead of electronically) if the burden of meeting the requested format is impractical. The Library also reserves the right to provide the information after the desired date if the burden of meeting the requested date is impractical.
- The person or organization requesting the information must provide payment prior to preparation by the State Library staff of the requested information.
- Submit payment to accountant with a copy of the estimate.
- Once payment has been received, the State Library staff will begin preparing the requested information. The timeline for provision of the information will begin upon receipt of payment.
- The appropriate manager will maintain records of all public record requests which pertain to their team.

### **Fees**

The following fees apply per each public information request. The fees listed below represent the most frequently requested formats in which information is requested. Fees for information requested in formats other than those listed below will be determined on a case-by-case basis. All charges are payable in advance of the materials being provided.

- No charge to provide an estimate of costs
- No charge for the first 30 minutes of staff time to provide the information requested. If reimbursable staff time is estimated to be more than 30 minutes, fees may be applied according to Oregon Administrative Rule 603-001-0145.

- Fees for printed or photocopied pages will be charged according to the [DAS Statewide Policy 107-001-030 Price List](#).

Fee Exemption Process:

The State Library may furnish copies of public information without charge or at a substantially reduced fee if the department determines the waiver or reduction of fees is in the public interest because making the record available primarily benefits the general public, per ORS 192.440(4). All waivers must be approved in advance by a manager. No exceptions to the fee structure will be made for personnel-related information.