

 <p>Department of Land Conservation and Development</p> <p>POLICY AND PROCEDURES MANUAL</p> <p>Issuing Division: Director's Office</p>	<p>NUMBER: 04-03</p> <p>Effective Date: August 19, 2004</p> <p>Page 1 of 3</p>
<p>Policy on Public Access to Department's Records</p>	<p>Approval: Lane Shetterly</p>

PURPOSE

To make available upon request by a member of the public, Oregon Department of Land Conservation and Development records that are defined as public records and that are not exempt from disclosure under the Oregon Public Records Law (ORS 192.410 – 192.505).

DEFINITIONS:

“**Department**” is the Department of Land Conservation and Development.

“**Public record**” is defined in ORS 192.410 as “any writing containing 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.” Writing includes “handwriting, typewriting, printing, photographing and every means of recording, including letters, words, pictures, sounds or symbols or combination thereof, and all papers, maps, files facsimiles or electronic recordings.” It also includes all email correspondence.

GUIDELINES:

Every person has the right to inspect any public record in accordance with and subject to the priorities of the Oregon Public Records Law. No person requesting such information is required to provide the person’s name, address, or why they are seeking the information.

FEES:

OAR 660-040-0005 provides that the department may charge the following fees for certification of copying of any public records in the department’s custody and not otherwise exempt from disclosure:

1. \$5.00 – for each certification containing five pages or less
2. \$0.25/page for each page of a certified document in excess of five pages
3. \$0.25/page for each page of an uncertified copy

OAR 660-040-0005(2) allows the Director to charge an amount

determined to be reasonable for the actual cost of making records available. A schedule of fees to be charged by the department is attached.

PROCEDURE:

Department staff will execute this policy in accordance with the following:

1. The initial point of contact for information requests shall be the department's Communications Officer. The department's receptionist shall serve as back up to the Communications Officer.
2. Explain the process for information requests to the person.
3. Explain the fee schedule for the record and access to the person requesting information.
4. Request that the person fill out an information request. The request should include the types of records (e.g., records relating to decisions made by the Land Conservation and Development Commission, acknowledged plans and proposed plan amendments, grant files, etc...). Information should be specific enough to allow staff to accurately select and locate documents and to allow staff to provide a reasonable estimate of the time it will take to retrieve materials.
5. Confer with other staff, as necessary, and provide the requestor with an estimate of when the records will be available.
6. Pull files. Staff will check with a member of the management team to get an initial assessment of whether or not any materials may be confidential and possibly exempt from public records laws. It is unlikely that many of the department's records will be exempt but information related to on-going court proceedings may not have to be disclosed. Specific information regarding public employees; addresses, social security numbers, birth dates and telephone numbers are exempt. Other exemptions are provided by the Oregon Public Records Law.
7. Notify the requestor when files are available. Arrange a time that is convenient for them to review files. Provide an estimate of costs incurred to date for the requestor.
8. The department will make a space available for the requestor to review files. Staff will locate and reserve a space for review of files. Possible areas are the 1st floor conference room, the 2nd floor conference room or an available, vacant cubicle.
9. The department will make copies of materials upon request. If the copying job is large, staff will notify the requestor of the date the copies will be available.

10. Staff will follow Policy 02-4 (attached) for receiving cash. The department will provide an invoice for costs, including search time and copying costs. The requestor will pay by cash or by check payable to the department.

LIMITATIONS ON ACCESS TO DEPARTMENT RECORDS AND EQUIPMENT

A person requesting to inspect public records shall not be authorized to conduct his or her own search of department records except as provided in this policy, or to remove any original records from the place designated for review of the records. A person requesting to inspect public records shall not be authorized to use or operate any department office equipment, including photocopying, scanners, fax machines or computers.

Attachment: Fee Schedule