

DIVISION 5

ACCESS TO PUBLIC RECORDS, FEES FOR RECORD SEARCH AND COPIES OF PUBLIC RECORDS/PUBLICATIONS

123-005-0000

Applicability of Rules and Definitions

This division of administrative rules applies to all public records for which the Department is custodian of; ~~for purposes of which, unless the context demands otherwise:~~

~~(1) **Department** means the State of Oregon Economic and Community Development Department as (re)organized under ORS 285A.070.~~

~~(2) **Director** means the director of the Department as appointed under ORS 285A.070.~~

Stat. Auth.: ORS 285A.075(A)

Stats Implemented: ORS 192.410 - 192.505 & ORS 285A & 285B

Hist.: EDD 12-1993, f. & cert. ef. 12-2-93; EDD 4-2003, f. & cert. ef. 3-26-03

123-005-0010

Access to Records

In carrying out responsibilities under ORS 192.410 to 192.505, the Department shall:

- (1) Make restrictions and take precautions necessary to protect the integrity of the records and prevent interference with the regular discharge of the Department's duties;
- (2) Maintain the confidential nature of records as provided under ORS 192.502(16), 285A.090(5), 285B.701(4) and other applicable state or federal laws, including but not limited to protecting the attorney-client privilege, as well as related provisions in OAR 123-017-0040 or other administrative rules.
- (3) Allow that public records of the Department to be inspected or examined, subject to prior request, approval and arrangements, during the normal working days and hours of the offices of the Department at which the records are kept. The inspection or examination shall take place at the main office, a field office, or any other reasonable location designated by the Department.

Stat. Auth.: ORS 285A.075(A)

Stats. Implemented: ORS 192.410 - 192.505 & ORS 285A & 285B

Hist.: EDD 12-1993, f. & cert. ef. 12-2-93; EDD 4-2003, f. & cert. ef. 3-26-03

123-005-0020

Requests to Inspect or Obtain Copies of Public Records

- (1) A request to inspect or obtain copies of a public record or information from public records shall be made in writing (Attention: Public Information Staff, Oregon Business Economic and Community Development

Department, State Lands Building Suite 200, 775 Summer Street NE, Salem, OR 97301-1280), and shall include:

- (a) The name, address and telephone number of the requester;
 - (b) Identification of the needed public record, or of the type and format of needed public record information, if known to the requester;
 - (c) Time period records were produced and officials involved in producing records or other relevant information, if known to the requester; and
 - (d) The number of copies for each item requested of the record, if copies are requested.
- (2) The Director may waive the requirement under section (1) of this rule for a request to be made in writing, if it is determined that the waiver contributes to effective administration.

Stat. Auth.: ORS 285A.075(A)

Stats. Implemented: ORS 192.410 - 192.505 & ORS 285A & 285B

Hist.: EDD 12-1993, f. & cert. ef. 12-2-93; EDD 4-2003, f. & cert. ef. 3-26-03

123-005-0030

Payment for Inspection and Copies of Public Records

(1) Except as waived in section (2) of this rule, a person who is receiving a copy of a public record or information from a public record shall pay the Department's actual cost for:

- (a) Staff time necessary to identify, locate, summarize or compile the record as requested;
- (b) Attorney fees, staff time and so forth associated with the screening of materials or blocking out of text that is exempt from disclosure;
- (c) Supervision of on-site inspection of the public record by the requester;
- (d) Customary fee per page for reproduction, handling and assembling of copies to be provided; and
- (e) Postage or similar expenses and special supplies or services necessary to furnish the copy or information.

(2) The Director may reduce or waive the payment or charges in section (1) of this rule, if the Director determines that the reduction or waiver will aid in the effective administration of Department operations or is in the public interest because making the record available substantially benefits the general public.

(3) The Department shall as necessary establish a schedule of costs and charges for purposes of this division of administrative rules, which shall apply to all concurrent public records requests.

(4) The requester shall pay all fees for access to a public record in advance, based on estimates by the Department, unless the Director approves late payment.

Stat. Auth.: ORS 285A.075(A)

Stats. Implemented: 192.410 - 192.505 & ORS 285A & 285B

Hist.: EDD 12-1993, f. & cert. ef. 12-2-93; EDD 4-2003, f. & cert. ef. 3-26-03
