

## **DIVISION 3**

### **PUBLIC RECORDS ACCESS AND REPRODUCTION**

#### **695-003-0010 Purpose**

These rules govern implementation by the Oregon Watershed Enhancement Board (OWEB) of the public records law, ORS 192.410 to 192.505, including fees for recovery of the actual costs involved in making public records available and in providing copies of public records, pursuant to ORS 192.440.

#### **695-003-0020 Requests to Inspect or Obtain Copies of Public Records**

(1) The right to review public records includes the right to review the original public record where practicable. The requester does not have a right to personally locate the public record or to review portions of the public record that are exempt from disclosure pursuant to ORS 192.501 to 192.505.

(2) A request to inspect or obtain copies of a public record or information from public records must be made in writing to the Public Records Coordinator at the Oregon Watershed Enhancement Board, 775 Summer Street NE, Suite 360, Salem, OR 97301-1290, and must include:

- (a) The name, mailing address, email 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) The time period the records or information were produced, and the officials involved in producing the records or relevant information, if known to the requester; and
- (d) The number of copies for each item requested of the record, if copies are requested.

(3) OWEB will make all its public records, not otherwise exempt from disclosure by law, available for inspection and copying during regular business hours.

(4) OWEB may condition the time and manner of inspection or copying as necessary under the circumstances to protect the records and prevent interference with the regular discharge of the duties of the OWEB Board, OWEB, and OWEB's employees.

(5) OWEB will accommodate public records requests from persons with disabilities in accordance with the Americans with Disabilities Act.

### **695-003-0030 Fees for Inspections or Copies of Public Records**

(1) A person inspecting a public record or receiving a copy of a public record or information from a public record must pay OWEB's actual costs, as follows:

(a) The cost of staff time necessary to locate and handle the records, to delete material exempt from disclosure and to supervise the inspection by the requester;

(b) The cost of producing the copy or the information; and

(c) The cost of other supplies or services necessary to furnish the copy or information.

(2) The OWEB Board shall establish the agency's list of fees for inspection and copying of public records. The list of fees shall be posted on OWEB's website and shall be available on request from OWEB. The OWEB Board shall review the list of fees adopted from time to time in order to ensure that the fees reflect current actual costs.

(3) If the request appears to require services for which no fee has been established, the actual costs will be determined or estimated by OWEB, and the requester will be notified of those costs before OWEB complies with the request.

(4) OWEB may require that all or a portion of the estimated fees be paid before the public record is made available for inspection or copies provided.

(5) Payment for public record requests may be made in the form of cash, check, or money order.

### **695-003-0040 Exception to Fee Charge; Fee Waivers and Reductions**

(1) There is no fee for obtaining one or more copies of a public record, if providing one or more copies of that particular public record without charge is part of OWEB's programs at the time of the request, including but not limited to the public distribution of OWEB reports, news releases and public notices, and the routine provision of public records or information from public records related to grant administration or the Oregon Plan.

(2) Subject to the exception described in subsection (1), no fee waiver or reduction will be given for OWEB's actual costs in providing access for inspection or furnishing copies of public records, if those actual costs would be otherwise paid from funds dedicated to watershed protection under Article IV, Section 4b, of the Oregon Constitution, federal funding allocated by intergovernmental agreement to salmon recovery efforts, or license plate revenues statutorily dedicated to salmon recovery projects.