

OREGON RACING COMMISSION
POLICY AND PRACTICES REGARDING
PUBLIC RECORDS REQUESTS
Policy #ORC-100-001, Effective 12/01/2010

I. POLICY

Oregon's public records law makes all agency records available for public review, except records that are exempt from disclosure under ORS 192.410 – 192.505. Public records, except those exempt from disclosure, are to be made available at cost to the public body upon request, subject to the procedural guidelines below.

II. PURPOSE

The purpose of this policy is to ensure that all requests for public records are handled in a manner that is consistent with and complies with the public records law, while minimizing the impact on agency workload and fiscal integrity.

III. DEFINITIONS

The definition of "public record" is extremely broad. Questions about whether an item qualifies as a public record should be addressed by referring to the public records law or consulting with agency legal counsel. The agency defines "actual cost" as the actual cost of materials, staff time, and any travel or other expenses incurred in preparing and providing the records.

IV. PROCEDURE

Public records, except those exempt from disclosure (as defined in ORS Chapter 192), shall be made available upon request for review, and copies shall be provided at a fee reasonably calculated to reimburse the agency for the actual costs incurred in making the records available. Activities to be reimbursed include 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:

a. Making a Public Records Request

Requests may be submitted in person or by mail, but will only be accepted in writing using the Oregon Racing Commission's Public Records Request Form which is available on the ORC website at: <http://www.oregon.gov/RACING/index.shtml>

In completing the form, the requestor must provide:

- 1) The date of the request;
- 2) The name and address of the person requesting the public record;
- 3) The telephone number or other contact information for the person requesting the public record; and
- 4) A sufficiently detailed description of the record(s) requested to allow the ORC staff to search for and identify the requested records.

For large requests, ORC shall respond to the requestor with an estimate of expected charges as soon as is practicable after receiving the request. ORC'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 records will be provided after payment is received. The person or organization requesting the information must provide payment prior to preparation by ORC staff. The timeline for provision of the information will begin upon receipt of payment.

Original materials may be inspected on-site only and may not be removed from ORC property.

Public records requests will only be accepted in writing and may be hand-delivered or mailed to: Oregon Racing Commission, 800 NE Oregon St., Suite 310, Portland, Oregon 97232.

Note: ORC will forward copies of all requests to the agency's legal counsel for tracking purposes.

b. Cost of Processing Your Request

The Commission has established fees reasonably calculated to reimburse it for the actual cost of making the public records available. If a request for records can be fulfilled using less than 15 minutes of staff time, there will be no charge for the service. This minimum can only apply to one request per requestor per month. If the fee is higher than \$25.00, the Commission will send the requestor a written cost estimate before proceeding with the request. Payment must be received prior to information being compiled. Please allow adequate time for processing. Reimbursable staff time includes time spent locating records, reviewing records to delete exempt material, supervising the inspection of records, copying records, certifying records, and mailing records. Please note that we may charge for the cost of searching for records, regardless of whether or we locate any documents responsive to the request.

If reimbursable staff time is estimated to be greater than 15 minutes, fees will be applied according to the table below which lists examples of requests and estimated costs:

Example of Service	Estimated Cost for Service
Cost Estimate of the Records Request	No charge
Staff Time	Actual cost per time spent, based upon the staff person's hourly pay rate at the time of the request
Commission Attorney's Fees	Actual attorney fees charged to ORC for the cost of time spent by an attorney in reviewing the public records, redacting material from the public records or identifying exempt records

Example of Service	Estimated Cost for Service
Printing of Materials from Existing Electronic Files	No charge for the first 10 printed pages \$0.25 per single-sided printed or photocopied page after the first 10 single-sided pages \$0.50 per two-sided printed or photocopied page after the first five two-sided pages \$5.00 per CD. Due to the threat of computer viruses, the Oregon Racing Commission will not permit requestors to provide disks for electronic reproduction of computer records
Copies of Hard Copy Documents	\$0.10 per page
Electronic Records Search	\$30.00 per hour
Standard and Express Mailing	Actual cost
Duplicating Requests	\$2.50 for each copy
Other: Request for services where fees have yet to be established (travel, certifying, etc.)	Actual cost shall be determined or estimated

c. Fee Exception Request

The Commission will evaluate requests to reduce or waive fees on a case-by-case basis. The Commission will take into consideration the cost of producing the information and whether making the records available primarily benefits the general public. A person who believes that there has been an unreasonable denial of a fee waiver or fee reduction may petition the Attorney General in the same manner as a person petitions when inspection of a public record is denied under ORS 192.410 to 192.505. The Oregon Racing Commission may furnish copies of public information without charge or at a substantially reduced fee if it 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 the ORC Executive Director.

A completed ORC Public Record Fee Reduction/Waiver Request Form is required to request this consideration. It is the responsibility of the requestor to adequately describe their ability to

disseminate the information and the clearly identify the benefit to the public. A copy of the form, and instructions for completion, can be found on the ORC website at: <http://www.oregon.gov/RACING/index.shtml> Additional clarification may be required prior to the Commission responding to the request.

d. Exemption from Fees

The requestor may receive one free copy of a record, under certain conditions. Ordinarily there will be no charge for the following requests:

1. When only one single copy of a public record is requested and the estimated staff time required is less than 15 minutes;
2. When the material requested is being distributed as part of a news release or public notice;
3. When the requested material has been distributed through mass mailing and is readily available; and/or
4. When the requestor is a local, state, or federal public/governmental entity acting in a public function.

The ORC retains the right to charge for fulfilling the request if the request creates a financial hardship for the Commission or if the request interferes with regular business due to time and expense or the volume of the records requested.