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| DIVISION/SECTION Public Affairs Division | REFERENCE/AUTHORITY ORS 36.220 – 36.222, 90.771 192.410 through 192.505 | |
| CATEGORY General | | |
| SUBJECT Public Records Request Policy | APPROVED SIGNATURE Signature on File | |

POLICY

Under Oregon's Public Records Law, the public is guaranteed the right to "inspect any public record of a public body in this state," except for those records specifically exempted from disclosure by law. Government records are the public's records and must be managed in an open and effective manner in order to adequately document the policies and activities of government agencies.

The Operations Manager serves as the OHCS Records Officer. Records generated by the department shall be maintained in accordance with the Special and General Retention Schedules as adopted and on file with the Oregon Secretary of State's Office. The Public Affairs Liaison in the Public Affairs Division of the department shall respond on behalf of the department regarding all public records requests.

AUTHORITY

The department will handle public records requests in accordance with ORS 36.220 – 36.221, 90.771, 192.410 – 912.505 and the Attorney General's Public Meetings and Records Manual.

APPLICABILITY

This policy is applicable to all employees of Oregon Housing and Community Services, including temporary and limited duration employees.

REFERENCES

[Oregon Revised Statutes](#), Specifically ORS 36.220 – 36.222, 90.771, and 192.410 through 192.505,

Oregon Attorney General's Public Records and Meetings Manual

[Secretary of State's Office, Archives Division, Records Unit](#)

[OHCS Records Retention and Destruction Policy, 10.070.02](#)

[DAS Policy 107-001-030 Public Records Requests Fees and Charges](#)

[Governor's Executive Order 16-06](#)

DEFINITIONS

'Actual Cost' refers to the actual cost for the agency to process a public records request. This calculation includes staff time and materials including paper and mailing costs.

'Estimate of Charges' refers to an estimate of costs associated with providing the requested public records to the Requestor.

'Exempt Record' refers to certain records, communications and information that are exempt from public disclosure within ORS 36.220 – 36.221, 90.771 and 192.501 through 192.502.

'Public Record' has the meaning established in ORS 192.005. In general, it refers to information that is prepared, owned, used or retained by a state agency or political subdivision; relates to an activity, transaction or function of a state agency or political subdivision; and is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the state agency or political subdivision.

'Requestor' refers to an individual or organization requesting access to or copies of public documents relating to the programs or services administered by OHCS.

'Waiver or Reduction of Charges' refers to a reduction of charges will be allowed if the department determines it is in the best interests of, and will primarily benefit, the general public, not merely the private interests of the Requestor.

REQUESTS FOR ACCESS TO PUBLIC RECORDS

All requests for access to public records believed to be in the possession OHCS must be submitted in writing. The written request can be sent in the form of written (hard copy) correspondence, by completing the OHCS request form, or by email message.

The department shall respond to the requestor within 5 business days to acknowledge receipt of the request and complete one of the following actions:

- a) Confirm that the agency is the custodian of the records;
- b) Inform the requester that the agency is not the custodian of the requested record; or
- c) Notify the requester that the agency is uncertain whether the public body is the custodian of the requested record.

The Department will complete the response within 15 business days if practicable, or provide a reasonable estimated completion date.

All agencies will adhere to the following practices for all releases of employee information that is not exempt from disclosure, regardless of employee representation:

1. If your agency receives a subpoena or public records request for an employee's personnel records* (except for inquiries relating to criminal law complaints or verification of employment), and the request will be fulfilled by your agency, then your agency will make the appropriate notification to the employee (you do not need to notify DAS).
2. If DAS receives a public records request for personnel records* of your agency employees and DAS will fulfill it, then DAS will notify your agency's communications staff (or Board/Commission head) and ask that they notify the employee(s) of the request.
3. If DAS receives a public records request for information* on all state employees, DAS will notify employees by sending an email to the statewide employee distribution list. (Note: DAS also coordinates with the Governor's Office and labor on requests for statewide employee information.)

**This information includes data such as the employee's work email address, work phone number, position, agency, work location, salary, etc. DAS will not release personal employee information, such as home address, home phone, date of birth, etc.*

FEES

In accordance with ORS 192.440, OHCS has adopted a fee schedule based on the Department's reasonable estimates for the cost of providing access to records (included as an attachment).

The charge for staff time will be based upon the type of work performed, not by the classification of staff performing the work. Work requiring professional level review or oversight, such as reviewing records for the purposes of redacting protected

information or certification of true copies will be charged at the professional level. Clerical type work, such as photocopying or preparing the records for mailing, will be charged at the clerical rate. Direct costs, such as the cost billed by the Department of Justice for legal review, or additional costs for supplies such as computer disks, will be billed to the requestor at the cost paid by the department. These fees will be reviewed on an annual basis to ensure applicability.

If the information is filed with the Secretary of State under ORS Chapter 79, the fees for furnishing copies, summaries or compilations of such records will revert to the charges established by the Secretary of State.

An estimate of charges will be determined and provided to the Requestor. All fees or charges are due and payable in advance of the materials being provided. Payment may be made to:

If fees and charges are not paid by the Requestor within 60 days of receiving the cost estimate from the Department, the related public records request will be closed.

Staff time

Fees for staff time required to fulfill a Public Records Request shall not exceed:

- \$25/hour for Clerical (administrative, office specialists, other support staff)
- \$40/hour for Managerial (Program managers, PIOs)
- \$75/hour for Professional (IT, HR, High-level Analyst)
- DOJ, special attorney and other applicable legal fees: at the actual hourly rate charged for Public Records Request-related services. Fees are subject to statutory limitations described in ORS 192.440(4)(b).

OHCS will waive fees for requests for records related to the completed scoring for procurement solicitations if the request is made within 60 days of the procurement closing. Requests made after 60 days of closing will be subject to the standardized fee schedule.

OHCS may furnish copies of public records without charge or at a substantially reduced rate if the department determines that the fee waiver or reduction is in the public interest as described in ORS 192.440(4). The person making the request must request this fee waiver or reduction and clearly demonstrate why it would serve the public interest. Requests for fee waiver or reduction may be submitted using the Public Interest Fee-Waiver or -Reduction Request Form.

INSPECTION OF PUBLIC RECORDS

Inspection of non-exempt public records will be permitted during the normal business hours of Monday thru Friday, 8:00 a.m. to 5:00 p.m. (excluding holidays and state-

mandated furloughs). The department will establish a date, time and location to view the records based on the availability of staff and equipment to accommodate the record review or reproduction.

At no time shall records be loaned or removed from the premises of the department by a department employee or other person without the approval of their manager or other person with authority to approve the action, unless the department has entered into a contract with a person or company who has the authority to remove the records.

RECORDS EXEMPT FROM DISCLOSURE

PETITION FOR RELEASE OF PUBLIC RECORDS

A person denied the right to inspect or receive a copy of any public record may petition the Attorney General to request a review of the public record to determine if it may be released.