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| **HOW TO USE THIS FORM**: |
| Agencies are statutorily required to consider and grant reasonable requests to waive and/or reduce fees associated with fulfilling a public records request when doing so is in the public interest because providing access primarily benefits the general public.  The Public Interest Threshold Evaluation provides agencies with standardized criteria to use when evaluating a request for a fee-reduction/waiver submitted by a public records requestor under ORS 192.440(5). Agencies shall consider each factor to determine whether the public interest in disclosure of the requested records warrants granting a fee-reduction/waiver.  All requests for a Public Interest Fee-Waiver or -Reduction will be evaluated on a case-by-case basis using information provided by the requestor as well as information independently available to the agency.  **ADDITIONAL GUIDANCE:**   * To adequately balance the State's obligation to be transparent and accessible with the obligation to prudently safeguard public funds and resources, fee-waivers and -reductions should be granted when the statutory standard has been met – when disclosure will primarily benefit the general public. * A request to waive or reduce fees related to a public records request, that requires substantial agency resources to complete, may be denied if the interest of the general public would be better served by preserving agency resources. * The public interest is not a fixed concept and the balance of public interest may change over time. It may shift as information becomes older or in the light of issues of the day. The circumstances at the time of the request will be considered. * A genuine public interest in the subject matter of a request is required as the basis for granting a waiver. The public interest is not necessarily the same as what interests the public. The fact that a topic has been discussed in the media does not automatically mean that there is a public interest in disclosing the information that has been requested about it. * This standardized fee-structure does not supersede, modify or replace the existing legal responsibilities of any state agency. Agencies must continue to meet obligations required by applicable laws, policies, procedures and standards including without limitation: State and Federal public records laws, privacy laws and regulations and fees for certain public records as defined in statute. |
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**Note:**

**Requests for fee-reduction or waiver will be evaluated on a case-by-case basis based on:**

* **The information provided by the requester; and**
* **The totality of circumstances at the time of the request.**

**Previous requests and evaluations will not be considered as part of the evaluation.**

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|  | | | | | | **Date of Request:** | | |  | |
| **Name of Requestor:** | |  | | | | | | | | |
| **Requested Record(s):** | |  | | | | | | | | |
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| **PUBLIC INTEREST THRESHOLD CRITERIA** | | | | | | | | | | |
| **Public Interest Threshold Criteria Evaluation**  Agencies shall consider the criteria below to determine whether waiving or reducing the costs associated with fulfilling a public records request would serve the public interest by primarily benefiting the general public. | | | | | | | | | | |
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|  | **Public Interest**: | | | | | | | | | |
| 1. | Would disclosure of the requested information, directly impact, affect, or serve an identified interest of the general public? | | | | | | | YES  🞎 | | NO  🞎 |
| 2. | Would the requested information, advance the welfare or well-being of the general public? | | | | | | | YES  🞎 | | NO  🞎 |
| 3. | Will the requester be able to actually, meaningfully disseminate the requested information? | | | | | | | YES  🞎 | | NO  🞎 |
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|  | **Private or Commercial Interest**: | | | | | | | | | |
| 4. | Is the public benefit greater than the individual benefit derived from disclosure? | | | | | | | YES  🞎 | | NO  🞎 |
| 5. | Is there a specifically identified purpose for which the public records are being sought that is wholly unrelated to 1) commercial purposes; or 2) actual or possible use in connection with administrative, judicial or legal proceedings? | | | | | | | YES  🞎 | | NO  🞎 |
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|  | **Reasonableness:** | | | | | | | | | |
| 6. | Is the request targeted at a specifically identified matter (meaning, not overly-broad or -complex)? | | | | | | | YES  🞎 | | NO  🞎 |
| 7. | Can the agency grant a waiver or reduce fees without causing an unreasonable burden on agency resources? | | | | | | | YES  🞎 | | NO  🞎 |
| 8. | Is the public interest served by disclosure greater than the burden to the agency (amount of staff time diverted to fulfilling a request and costs of subsidization)? | | | | | | | YES  🞎 | | NO  🞎 |
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| **Determination/Decision**: | | | | | | | | | | |
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| **Employee Name (Print)** | | |  | **Signature** | | |  | **Date** | | |

**A yes or no determination regarding a single criterion or for majority of the criteria does not guarantee the granting of a fee-reduction or waiver. Each request will be considered on a case-by-case basis, based on the information provided by the requester and the totality of the circumstances at the time of the request.**

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| **Reduced Fee-Schedule** |
| Agencies shall waive a minimum of 30 minutes of staff time for all public records requests after which fees may be assessed for additional staff time, applicable services and supplies required to fulfill a Public Records Request in accordance with the applicable fee-schedule below.  The hourly rate charged for additional staff time will be based on the level of skill or expertise required to complete the work performed. Meaning, if work done to fulfill a request requires clerical-level skills, agencies may only charge the clerical hourly rate time spent on that portion of the work (as a maximum), even if a managerial-level or professional-level employee actually fulfills the request on behalf of the agency.  Agencies will not charge for staff time spent witnessing records inspection when the estimated cost of making public records available for inspection is:   * less than the cost of providing the requestor with a copy of the public record; or * insignificant (requested public records are readily accessible and do not require review, redaction or segregation).   Fees will be charged for staff time required to redact exempt information from requested public records prior to release. |
| **Staff time**  Fees for staff time required to fulfill a PRR shall not exceed:   * **$20/hour for Clerical** (administrative, office specialists, other support staff) * **$32/hour for Managerial** (Program managers, PIOs) * **$60/hour for Professional** (IT, HR, High-level Analyst) * **$75/hour for DOJ, special attorney and other applicable legal fees**.   **Production of Responsive Records**  Fees generated by providing paper or electronic copies to requesters:   * **Copies:** Based on current state printing and distribution price list. * **Media:** Based on statewide price-agreement with OfficeMax. * **Postage:** Based on current postal rates.   **Additional Cost Considerations**  No additional cost considerations will be included in the invoiced amount passed on to the requester under this reduced fee structure. |
| **\*This fee-structure does not apply to agency-specific records with established pre-set price per record (e.g. vital records, licenses, police reports; DMV motor-carrier fees, etc.) or fees assessed for notarized/certified copies of public records.** |