



NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 291

DEPARTMENT OF CORRECTIONS

FILED

10/03/2025 11:56 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Release of Public Records - Extend comment period

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/30/2025 12:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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NEED FOR THE RULE(S)

The comment period for these rules is being extended to accommodate required statutory notification timelines. The public hearing scheduled for 10/22/2025 and published in the Notice of Proposed Rulemaking for these rules filed with the Secretary of State on 9/9/2025, will proceed as scheduled.

These rules establish uniform procedures and guidelines for release of Department of Corrections public records. The proposed amendments to OAR 291-037-0015 are needed to update process for non-AICs requesting public records from the department to include a new online public records portal linked on the existing DOC website, and for submitting written requests in person; update process for AICs to submit requests for public records from the department; provide requirements and guidance on information to include in a request for public records; and clarify what the process is when a request for public records is submitted to the wrong unit. Other proposed changes to these rules clarify the rules or add consistency within the rules; change the term "inmate" to "adult in custody"; update definitions to align with department philosophy or standard definitions; and expand allowable payment methods.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

None.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The Department of Corrections anticipates the proposed amendments to the department's division 037 rules (OAR 291-037 Release of Public Record) will have an overall positive impact on racial equity in Oregon.

These rules establish uniform procedures and guidelines for release of Department of Corrections public records. The proposed amendments update definitions to align with department-adopted standard definitions and improve consistency with applicable statute, DAS policy, or other department rules. The department anticipates that these proposed changes will have a neutral impact on racial equity in the state.

Additional proposed amendments would permanently adopt temporary amendments resulting from implementation of an online GovQA portal linked on the existing DOC website that:

- Updated process for AICs and non-AICs requesting public records from the department;
- Updated process to submit written requests in person;
- Provided information required for a public record request and information to facilitate a request for public records; and
- Clarified the process when a request for public records is submitted to the wrong unit.

Other proposed amendments establish a process to collect credit card payments from requesters and further clarify or define process. All these proposed changes aim to streamline existing practices that rely on paper mail, checks, and in person interactions, replacing them with a system better suited to digital service expectations by automating intake, speeding up cost estimate responses and clarifying actual costs, and standardizing turnaround times to balance service levels, and minimize administrative friction and delays for all communities.

Further proposed amendments replace the term “inmate” with the term “adult in custody” or the term “offender” with the term “adult on supervision” when referring to individuals in the custody or under the supervision of the Department of Corrections, respectively. These changes in terminology align with department’s mission and guiding principles by seeking to normalize and humanize the custodial and supervision experience. The department understands that all adults in custody and adults on supervision, including individuals who are members of minority racial groups, are positively impacted when a culture of inclusivity, normalization, and humanization is created, and that these proposed rule amendments represent another step toward creating this culture.

For these reasons, the department anticipates that these proposed rule amendments will have an overall positive impact on racial equity in this state.

FISCAL AND ECONOMIC IMPACT:

This rule is modified to include new process relating to a new web-based records request portal. The changes requested within the rule will help improve efficiency in requesting timelines as the web-based portal will identify redundancies and improve program analytics.

The rule amendment is anticipated to have a fiscal impact on DOC. The annual portal cost to DOC will be \$50k annually with no additional required staff. DOC plans to use existing Public Records Request (PRR) revenue to partially offsetting the cost of the software, however the exact amount of PRR is indeterminate due to the fluctuating nature of the requests. There are also may be minor savings that occur from reduced misdirected requests, and negligible training costs covered by existing budgets.

The rule change is not anticipated to have additional costs or staffing fiscal impacts on the other state agencies/partners, local governments (the counties), or the general public.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

None.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved in the development of these rules as they will not be impacted by these rules.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The department has determined that use of an advisory committee would not have provided any substantive assistance in drafting these rule revisions because of the technical nature of the revisions.

RULES PROPOSED:

291-037-0005, 291-037-0010, 291-037-0015, 291-037-0020, 291-037-0035, 291-037-0040

AMEND: 291-037-0005

RULE SUMMARY: Amends rule for minor clarification.

CHANGES TO RULE:

291-037-0005

Authority, Purpose and Policy ¶¶

(1) Authority:-The authority for ~~this~~these rules is granted to the Director of the Department of Corrections in accordance with ORS 179.040, 423.020, 423.030, 423.075, 192.318, and 192.324.¶¶

(2) Purpose:-To establish uniform procedures and guidelines for release of Department of Corrections public records.¶¶

(3) Policy:-It is the policy of the Department of Corrections that public records maintained by the department will be available to all persons, consistent with applicable laws and administrative rules governing the disclosure of such records and consistent with the need to protect such records, to prevent interference with the regular discharge of duties, and to recover fees reasonably calculated to reimburse the department for its costs in making such records available.

Statutory/Other Authority: ORS 179.040, 423.020, 423.030, 423.075, 192.318, 192.324

Statutes/Other Implemented: ORS 179.040, 423.020, 423.030, 423.075, 192.318, 192.324

AMEND: 291-037-0010

RULE SUMMARY: Amends rule to change the term "inmate" to "adult in custody"; and update definitions to align with department philosophy or standard definitions.

CHANGES TO RULE:

291-037-0010

Definitions ¶

(1) Adult in Custody (AIC): Any person under the supervision of the Department of Corrections who is not on parole, post-prison supervision, or probation status. ¶

(2) Adult on Supervision: Any person under the supervision of the Department of Corrections who is on parole, probation, or post-prison supervision status. ¶

(3) Department of Corrections Facility: Any institution, facility, or employee office, including the grounds, operated by the Department of Corrections. ¶

(34) Employee: For the purposes of these rules, any person employed full-time, part-time or under temporary appointment by the department; any person under a contractual arrangement to provide services to the department; any person employed by private or public sector agencies who is serving under department-sanctioned special assignment to provide services to department programs. ¶

(45) Functional Unit: Any organizational component within the Department of Corrections responsible for the delivery of program services or coordination of program operations. ¶

(56) Functional Unit Manager: Any person within the Department of Corrections who reports to the Director, the Deputy Director, an Assistant Director, or an administrator and has responsibility for the delivery of program services or coordination of programs. ¶

~~(6) Offender: Any person under the supervision of the Department of Corrections or a county community corrections agency who is on parole, probation, or post-prison supervision statu~~ operations.

Statutory/Other Authority: ORS 179.040, 423.020, 423.030, 423.075, 192.318, 192.324

Statutes/Other Implemented: ORS 179.040, 423.020, 423.030, 423.075, 192.318, 192.324

AMEND: 291-037-0015

RULE SUMMARY: Amends rule to update process for non-AICs requesting public records from the department to include a new online public records portal linked on the existing DOC website, and for submitting written requests in person; update process for AICs to submit requests for public records from the department; provide requirements and guidance on information to include in a request for public records; and clarify what the process is when a request for public records is submitted to the wrong unit.

CHANGES TO RULE:

291-037-0015

Requests for Department Public Records ¶

~~(1) Any person may~~ Persons other than adults in custody wishing to request public records from the ~~d~~Department of Corrections shall. ¶

~~(2a) Persons~~ Establish a customer account and submit a request for public records from using the department must submit their request in writing to the department's functional unit where the record(s) is located. Additional information on submitting a record request is located's public records portal found online at Oregon.gov/doc; or ¶

~~(b) Mail or hand-deliver a written request for public records addressed to the Oregon Department of Corrections Public Records program manager at the following address: 3723 Fairview Industrial Dr SE #200, Salem, OR 97310. ¶~~

~~(c) Additional information regarding requesting public records from the Department of Corrections is available to the public on the department's web-site at www.eOregon.gov/doc/research-and-requests. The written request must specify the following: ¶~~

~~(a) Name and mailing address of the person. ¶~~

~~(2) Adults in custody wishing to request public records from the Department of Corrections shall submit a written request for public records to the department's functional unit manager where the record is located. ¶~~

~~(3) At a minimum, requesting thes for public record; ¶~~

~~(b) Rs must: ¶~~

~~(a) Include the requester's name (first and last); ¶~~

~~(b) Include the requester's emailing address and telephone number; ¶~~

~~(c) The requested records, describing in as much detail as possible the following or contact email address; and ¶~~

~~(c) Adequately describe the record requested, including subject matter. ¶~~

~~(4) To aid employees in locating responsive records, and reduce the department's fees to requesters for doing so, requesters should provide as much information; as may be applicable: ¶~~

~~(A) Subject matter; ¶~~

~~(B) Approximate dates the records were created; possible to describe the record requested, including: ¶~~

~~(Ca) Names of the persons involved (if an AIC, include the AIC's state identification (SID) number); ¶~~

~~(b) Relevant dates and timeframes of the matter that is the subject of the record; and ¶~~

~~(dc) Instruction to the department to certify copies as true copies, if necessary; ¶~~

~~(3) Where applicable, the r f an adult in custody is the subject of the requested record, the state identification number (SID #) of the adult in custody, if known. ¶~~

~~(5) Requests for records must be accompanied by a signed that require a written disclosure authorization (e.g., medical records, education records, alcohol and drug treatment records, trust account records). ¶~~

~~(4) If the requested record(s) is not located in the functional unit where the request is received or court order authorizing the department to disclose the record (for example, protected health records, alcohol and drug treatment records, trust account records, and education records) must be accompanied by a legally valid and enforceable written disclosure authorization or a court order. ¶~~

~~(6) If the record requested is not located in the Department of Corrections functional unit where the request is received, or the request is sent to the incorrect functional unit manager, the request will be forwarded to the appropriate Department of Corrections functional unit manager where the record is located.~~

Statutory/Other Authority: ORS 179.040, 423.020, 423.030, 423.075, 192.318, 192.324

Statutes/Other Implemented: ORS 179.040, 423.020, 423.030, 423.075, 192.318, 192.324

AMEND: 291-037-0020

RULE SUMMARY: Amends rule for grammatical edits and to clarify.

CHANGES TO RULE:

291-037-0020

Processing of Public Records Requests ¶

- (1) The functional unit manager will designate one (1) or more employees to review record(s) for release. ¶
- (2) The designated employee will process the request for record(s) in accordance with the Public Records Law, codified at ORS 192.311 to 192.478. ¶
- (3) Proper and reasonable opportunity for inspection ~~and/or~~ or to obtain copies of nonexempt public record(s) will be provided, consistent with security requirements at each department facility and functional unit and as the circumstances warrant. ¶
- (a) The department's ability to accommodate requests for in-person inspection of records is subject to employee and equipment availability. ¶
- (b) The functional unit manager will designate an employee to supervise inspection of nonexempt records. ¶
- (4) If the requested record(s) contains both information that is subject to disclosure and information that is exempt from disclosure, ~~where possible~~ the exempt information will be segregated from the nonexempt information, where possible, and the nonexempt information will be provided.

Statutory/Other Authority: ORS 179.040, 423.020, 423.030, 423.075, 192.318, 192.324

Statutes/Other Implemented: ORS 179.040, 423.020, 423.030, 423.075, 192.318, 192.324

AMEND: 291-037-0035

RULE SUMMARY: Amends rule for clarity and consistency within these rules; to change the term "inmate" to "adult in custody"; and to update allowable payment methods.

CHANGES TO RULE:

291-037-0035

Fees and Payment for Public Records

(1) The department's fees for processing and making available nonexempt records include, but is not limited to, employee time to search, gather, review, and copy the record(s). The department fee schedule is set out below:

(a) Clerical work at \$25.00 per hour;

(b) Managerial work at \$40.00 per hour;

(c) Professional work at \$75.00 per hour;

(d) Copies at current state printing and distribution price list;

(e) Media costs set in statewide price agreement;

(f) Postage at current postal rates;

(g) If the request requires the department to incur Actual additional costs for services for which no fee has been established (e.g. for example, computer time, travel, shipping costs, or communication costs, fees to retrieve records from archives, etc.), the actual cost shall be determined by the department; and

(h) Department of Justice, special attorney and other applicable legal fees shall be assessed at the actual hourly rate charged for public records related services for (such as, reviewing public records, redacting material from the records, or segregating the records into exempt and nonexempt records). ~~These fees shall not include time spent by the Fees are subject to statute~~ advising department employees regarding the application of ORS 192.311 to 192.478.

y limitations described in ORS 192.440.

(2) If the department can process a request for records in less than 30 minutes of employee time, the department will not charge to search, gather, and review the records.

(a) Copy and media costs will be assessed as appropriate.

(b) ~~A flat rate of \$5 will be charged for audio recordings for employee time and media costs~~ For audio recordings, a flat rate of \$5.00 plus the cost of the media will be charged when it takes less than 30 minutes of employee time to search, gather, copy, and review the records. Actual time and fees for media will be charged if over 30 minutes of employee time to search, gather, copy, and review records.

(c) Only one 30-minute fee waiver will be granted to a requester who files fragmented or multiple small requests within a 60-day period that in the aggregate requires more than a ~~half hour~~ 30 minutes of employee time to process.

(3) Except as noted below, no inspection and/or duplication of a record(s) is authorized until payment has been received.

(a) Payments must be received in the form of a money order, cashier's check, or business check made payable to the Oregon Department of Corrections.

~~(b) An AIC, or by secure online payment (such as, credit or debit card).~~

(b) An adult in custody must submit a signed Withdrawal of Funds form (CD 28D) and have sufficient funds on their trust account at the time they make a public records request. The Withdrawal of Funds form (CD 28D) must clearly be successfully processed and the funds received prior to the release of records.

(4) Fees for inspection and/or duplication by other government agencies or contractors responsible for the treatment of AICs ~~or offenders of the department may be waived~~ adults in custody or adults on supervision may be waived as outlined in 291-037-0040.

(5) The fee schedule for copies of AIC adult in custody health records is established in OAR 291-124-0100.

(6) The fee schedule for copies of AIC adult in custody trust records is established in OAR 291-158-0015.

Statutory/Other Authority: ORS 179.040, 192.318, 192.324, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 179.040, 192.318, 192.324, 423.020, 423.030, 423.075

AMEND: 291-037-0040

RULE SUMMARY: Amends rule to clarify and for consistency within these rules.

CHANGES TO RULE:

291-037-0040

Fee Waiver or Reduction

- (1) Any person requesting a fee waiver or reduction must submit their request in writing to the department for consideration.¶
- (2) The department may furnish copies without charge or at a substantially reduced fee if the department determines that a fee waiver or reduction in fees is in the public interest because making the record(s) available primarily benefits the general public.¶
- (3) If the department decides to furnish copies at a reduced fee, it will do so in accordance with the following reduced fee schedule: ¶
 - (a) Clerical work at \$20.00 per hour;¶
 - (b) Managerial work at \$32.00 per hour;¶
 - (c) Professional work at \$60.00 per hour;¶
 - (d) Copies at current state printing and distribution price list;¶
 - (e) Media costs set in statewide price agreement;¶
 - (f) Postage at current postal rates;¶
 - (g) No additional cost considerations will be passed on to the requester under this reduced fee structure; and¶
 - (h) Department of Justice, ~~special attorney~~ or other applicable legal fees at \$75.00 per hour. Fees are subject to statutory limitations described in ORS 192.440.¶
- (4) The department will notify the requester in writing of the department's decision regarding the fee waiver or reduction request.

Statutory/Other Authority: ORS 179.040, 192.318, 192.324, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 179.040, 192.318, 192.324, 423.020, 423.030, 423.075