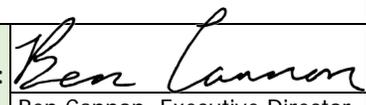


<b>Policy Title:</b>	<b>HECC Public Records Request Policy</b>						
<b>Policy Number:</b>	HECC-AGY-008	<b>Effective Date:</b>	04/09/2019	<b>Revision Date:</b>	4/09/2019	<b>Review Date:</b>	4/09/2019
<b>Reference:</b>	<p><b>RESOURCES AND STATEWIDE POLICY REFERENCES:</b></p> <ul style="list-style-type: none"> <li>• <a href="#">ORS 192 Public Records Policy</a></li> <li>• HECC Records Management and Retention Policy HECC-AGY-005</li> <li>• DAS statewide policy on <a href="#">Public Records Management (107-001-020)</a></li> <li>• DAS statewide policy on <a href="#">Public Records Requests Fees and Charges (107-001-030)</a></li> <li>• <a href="#">EO 18-05 Executive Order on Public Records</a></li> <li>• Oregon Secretary of State <a href="#">Records Management website</a></li> <li>• Oregon Department of Justice <a href="#">Public Records Exemptions</a></li> <li>• Oregon Department of Justice, <a href="#">Attorney General's Public Records and Meeting Manual, 2014</a></li> </ul>						
<b>Applicability:</b>	All employees, including temps, commissioners, volunteers, and others working in the agency, except when in conflict with a collective bargaining agreement			<b>Approved:</b>	 Ben Cannon, Executive Director		

**PURPOSE:** To provide guidelines for responding to requests for public records, in accordance with Public Records Law [ORS 192.410-192.505](#). This policy is intended to guide agency activities and inform the public about the agency public records request processes.

**SCOPE:** This policy covers how public records requests are managed by agency staff from the submission of the public records request to the final communication between the requestor and the Public Records Request Officer. This policy does not cover Records Management and Retention or requests pursuant to subpoena or court order.

### DEFINITIONS:

- **Employee:** for the purpose of this policy, "employee(s)" includes all HECC staff.
- **HECC:** Higher Education Coordinating Commission.
- **Information Technology (IT):** is the designated point of contact for electronic records.
- **Public Record Request Officer:** is the designed public point of contact for public records requests.
- **Public Record Office Specialist:** is an expert on public records within their designated office.
- **Public Record:** Has the meaning established in ORS 192.005(5). 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.
- **Redact:** to obscure or remove information for legal or security purposes.
- **Requestor:** A person requesting disclosure of public records. Requestor does not include a "public body" or public official, other than a legislator.

### POLICY:

HECC will respond to all official requests for public records as soon as practicable and without unreasonable delay, according to timelines outlined in ORS 192.324 and ORS 192.329.

HECC's procedures for managing public records requests are described in the information below.

### HECC Procedures for managing public records requests:

1. HECC requires that requestor submit a completed Public Records Request Form to initiate the request process.
2. The Public Records Request Officer shall be the point of contact between the HECC and the requestor. In the absence of the Public Records Request Officer, the Deputy Executive Director shall appoint an interim officer to resume the duties of completing public records requests (the public records officer).
3. Oregon Public Records Law authorizes state agencies to charge reasonable fees to cover the actual costs associated with public information requests ORS.192.440. The HECC will notify the requestor in writing if fees will be charged for staff research time and/or requested materials. All document requests must be pre-paid prior to release of requested documents.
4. Public records of which HECC is the custodian, except from those exempt from disclosure, as defined in [ORS Chapter 192](#), shall be made available upon request for review, and copies shall be provided for a fee.
5. HECC shall require the requestor to pay a fee for the services if the request displaces the employee's work.
6. Pricing for public records requests shall be in compliance with DAS statewide policy on [Public Records Requests Fees and Charges](#) (107-001-030).
7. HECC shall waive fees for the first two hours of staff time used to satisfy a public records request.
8. HECC shall waive fees for providing public records if the fee reduction is in the interest of the public in accordance with [ORS 192.440\(4\) and \(5\)](#).
9. Within 5 days of its submission, HECC shall provide an initial written acknowledgment to the public records requestor, including following:
  - a. the HECC does or does not have custody of the requested document(s);
  - b. copies of the requested documents, if they are few and processed within two hours;
  - c. a statement that the HECC does have custody of some of the requested documents;
  - d. estimate of time and fees;
  - e. or a statement the HECC is unsure if it has any of the requested records or of fees, and that it will search for the requested records and respond asap.
10. Within 15 days of the receiving the request HECC will provide the public records, or provide in writing that the request is still being processed and, based on the information currently available, provide an estimated date of completion. Large requests may take longer depending on the volume and complexity of the records requested, as well as the complexity of the search.

11. If the requestor disagrees with all or part of the agency response, they may ask the Attorney General to review the decision. They may also contact the Office of the Public Records Advocate.
12. HECC reserves the right to provide information in a different format than requested (e.g., in print instead of electronically) if the burden of meeting the requested format is impractical.
13. HECC shall make legally authorized redactions as defined in ORS Chapter 192 and provide a reference to the authority for any redactions made. In addition to redacting records exempt from disclosure for all state agencies, HECC shall redact:
  - Eligible students' education records and personally identifiable information in compliance with The Family Educational Rights and Privacy Act of 1974 (FERPA) 20 U.S.C. § 1232g; 34 CFR Part 99. FERPA is a federal law that protects the privacy of student education records. HECC is an educational agency for the purposes of FERPA, as are the covered schools.
  - Information on student complaints from July 1, 2017 forward in compliance with ORS 350.075(5).
14. HECC will not provide original records to requestors. Only copies of the record may be provided. For physical documents, the HECC may upon request provide an opportunity to inspect or obtain copies.
15. If HECC receives an unusual request or the scope of the request is unclear or overly broad, the HECC may request additional clarification before responding to the request.
16. Public records training will be available to Public Records Request personnel.
17. Upon approval of the Director or Deputy Director, the Public Records Request Officer may seek guidance from the HECC's designated attorney regarding legal matters, redactions, and clarifications prior to sending the public records to the requestor. Allowable legal expenses such as legal review for redaction may be charged to the requestor.

## ROLES AND RESPONSIBILITIES:

**Public Records Request Officer** shall communicate with the requestor regarding their request, work with the attorney regarding legal questions, and remain up-to-date on the progress made with the office specialists.

**Public Record Office Specialists** will review the criteria of the record, search for and compile records, provide calculations of staff time for fee purposes, redact information from the record in compliance with law applying to their office, update the Public Records Request Officer regarding the status of the record request, and participate in trainings on public records. Each Office Director will ensure that the Public Records Office Specialist for their office participates in public records training.

**IT** staff are expected to search for and compile electronic records, provide calculations of staff time for fee purposes, update the Public Records Request Officer regarding the status of the record request, and participate in training on public records.

**Attorney** may give legal counsel regarding public records requests and review redactions and expenses charged to the requestor, and may process redactions, as requested by the agency.

**Deputy Director** shall appoint the Public Records Request Officer.

**Employees** are expected to follow and comply with this policy, associated policies, procedures, and resources. Failure to comply with this policy may result in disciplinary action, up to and including dismissal.

The Public Records Request Officer, Executive staff, and the offices should carefully consider whether any records are exempt or confidential. If a record is potentially exempt, but not confidential, the public interest in disclosure must be weighed against the purpose of the exemption. Any decision to withhold records is subject to review by the Attorney General.

Attachment:

HECC Public Records Request form