

Public Records Law

Overview

The policy that underlies the Public Records Law is that the public is entitled to know how the public's business is being conducted. The Public Records Law advances this policy by granting the public a broad right to examine records created, maintained, cared for, or controlled by public bodies. This law is primarily a disclosure statute, not a confidential statute. Public Records Retention Rules provide for the retention and disposition of public records.

Key Points

Basic Law

- "Every person has a right to inspect any public record of a public body of this state, except as otherwise expressly provided by ORS 192.501 to 192.505."

Definitions

- *Person*: "Person" means any natural person, corporation, partnership, firm, association or member or committee of the Legislative Assembly.
- *Public Record*: Public record includes any "writing" containing information relating to conduct of public business; that is prepared, owned, used, or retained by a public body; regardless of physical form or characteristic.
- *Public Body*: Public body includes all state, local, regional entities and officers, including courts. Private entities, even if contracted with the state, generally are not public bodies.

Public Records Requests

- Must adopt written procedures for responding to public records requests.
- Must segregate exempt material from nonexempt material and disclose the nonexempt material.
- Must furnish proper and reasonable opportunity for inspection.
- Must furnish reasonable facilities for making memoranda and abstract.
- May make reasonable rules and regulations.
- May consult with counsel before responding to a request.
- May establish fees "reasonably calculated" to reimburse for the "actual cost" in making records available.
- May reduce or waive fees if in the public interest.

Public Records Retention

- Rules provide for the orderly retention and disposition of public records regardless of format.
- The District should have a records retention policy.

Resources

SWCD Program Contacts:

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<https://oda.fyi/PublicRecordsMeetings>

Law Publication: *Attorney General's Public Records and Meetings Manual*

<https://oda.fyi/PublicRecordsMeetingsManual>

Oregon State Archives
503-373-0701

<https://oda.fyi/RecordsMgmt>

Publication: *General Records Retention Schedule for Counties and Special Districts*

<https://oda.fyi/RetentionSchedule>

Applicable Laws and Rules

Public Records Law:

Oregon Revised Statutes (ORS)

Chapter 192.610–192.690 can be found at:

<https://oda.fyi/ORS192>

Records Retention:

Oregon Administrative Rules (OAR) Chapter 166 Division 150 can be found at:

<https://oda.fyi/OAR166>