

POLICY MANUAL	POLICY NUMBER	SUPERSEDES/RESCINDS
INFORMATION MANAGEMENT MANUAL	RM 6.3.2	NA
SUBJECT	POLICY EFFECTIVE DATE	SUPERSEDE/RESCIND DATE
Public Records Requests	April 2, 2018	February 15, 2017
AUTHORITY	NEXT REVIEW DATE	LAST REVIEWED DATE
ORS Chapter 192 ; Executive Order 16-06	April 2, 2020	March 29, 2018
HISTORY/BACKGROUND	POLICY CROSS-REFERENCE	
This is a new policy beginning February 15, 2017. All state agencies are required to establish statewide, standardized policy guidelines for responding to requests for public records. The policy is intended to support statewide consistency in establishing standards for fulfilling requests for public records and providing a standard process for state agency use when evaluating requests to reduce or waive fees assessed for fulfilling a request.	DAS 107-001-020 ; DAS 107-001-030 ; RM 6.3.0	
APPROVED BY OREGON STATE ARCHIVIST	DATE APPROVED	
Oregon State Archives Review Meeting	March 29, 2018	

Policy Statement: It is the policy of the Oregon Department of Veterans' Affairs (ODVA) to comply with the Oregon Public Records Law and respond to public record requests as soon as practicable and without unreasonable delay. ORS 192.324(7) requires every public body to make available to the public a written procedure for making public records requests.

Overview: After receiving a written request for a public record, ODVA must respond to the requester as soon as possible. The ODVA Records Officer is responsible for coordinating timely responses to requests for ODVA records.

Purpose: The purpose of this process is to provide guidelines for responding to requests for public records.

Implementation Procedures: The public must be granted access to all ODVA public records unless the record is expressly exempt from disclosure by ORS Chapter 192 and further identified in *RM 6.3.5 Information Disclosure Guidelines*, *RM 6.3.8 Records Retrieval*, or *RM 6.3.19 Military Discharge Records Requests*. Fees will be charged according to *RM 6.3.3 Public Records Requests Fees and Charges*.

The ODVA Records Officer (or designee) is responsible for recording and compiling the formal public records requests that ODVA receives. The Communications and Information Director is notified whenever a member of the news media submits a request for a public record.

The ODVA Records Officer shall within five business days after receiving a written request for a public record acknowledge receipt of the request or complete the response to the request. The acknowledgement of the written request for a public record must confirm receipt of the request and include one of the following:

- A statement that ODVA does or does not have custody of the requested

document(s);

- Copies of all requested public records for which ODVA does not claim an exemption from disclosure under ORS 192.311 to 192.505;
- A statement that ODVA is the custodian of some or all of the requested documents, an estimate of time in which copies will be provided or inspection will be available; and an estimate of the fees the requester must pay;
- A statement that ODVA is uncertain whether it possesses any of the requested records and that it will search for the requested records and respond as soon as practicable; or
- A statement that state or federal law prohibits ODVA from acknowledging whether the record exists and a citation to the relevant state or federal law.

ODVA will complete its response to a written public records request as soon as practicable and without unreasonable delay. As soon as possible but not later than 10 business days after the date by which it acknowledged receipt of the request, ODVA will complete its response to the public records request; or provide a written statement to that ODVA is still processing the request and a reasonable estimated date by which it expects to complete its response, based upon the information currently available. If any public record contains material which is not exempt under ORS 192.345 and 192.355, as well as material which is exempt from disclosure, ODVA shall separate the exempt and nonexempt material and make the nonexempt material available for examination.

If ODVA receives an unusual request or the scope of the request is unclear, ODVA may request additional clarification before responding to the request.

If a requester fails to respond to inquiries for clarifications, cost estimates, or any other communication from ODVA within 10 business days, the status of the request will be changed to “**Non-responsive requester.**” Non-responsive requests may be resubmitted and will be processed as a new request.

The Oregon Public Records Law allows agencies to recover their actual costs in fulfilling a public records request. If the estimated fee is greater than \$25, ODVA will provide a written notice of the estimated amount of the fee. In such instances, the public records request coordinator will not fulfill the request until the requester confirms in writing that the requester wants to proceed with the request despite the estimated cost. See *RM 6.3.3 Public Records Requests Fees and Charges* for all fees and charges regarding public records requests. The requester must pay the fee before ODVA releases the requested records.

Requests for fee waivers or reduced fees must be made in writing as outlined in *RM 6.3.3 Public Records Requests Fees and Charges*. ODVA may furnish copies without charge or at a substantially reduced fee if it is determined that the waiver or reduction of fees is in the public interest because making the record available primarily benefits the general public.

Definitions:

“Business Day” means a day other than Saturday, Sunday or a legal holiday and on which at least one paid employee of the public body that received the public records request is scheduled to and does report to work.

“Document Certification” A certified copy is a copy (often a photocopy) of a primary document, that has on it an endorsement or certificate that it is a true copy of the primary document. It does not certify that the primary document is genuine, only that it is a true copy of the primary document.

“Exempt Records” are public records that do not need to be disclosed under ORS 192.311.

These are documents that are public records but can be destroyed without authorization of the State Archivist when no longer needed for administrative purposes. These records include:

- (1) Inquiries and requests from the public and agency answers to those inquiries and requests. This applies only to those answers ODVA is not legally required to keep or that are not required as evidence of a public or private legal right or liability.
- (2) Photocopies of public records.
- (3) Letters of transmittal and acknowledgement, advertising, announcements, and correspondence or notes concerning reservations for accommodations or scheduling of personal visits or appearances.

“Excluded Records” are records which are excluded from the definition of public records by ORS 192.005(5) or other state or federal laws or rules.

These records can be destroyed when no longer needed, without authorization of the State Archivist since they are not public records. Excluded records are:

- (1) publications kept for reference use only;
- (2) convenience copies of documents;
- (3) stocks of publications or blank forms.

“Official Copy” is that version of a public record that has been designated by the agency as the record of a transaction or event, and which is subject to the requirements of laws, rules and the records retention schedule authorized by the State Archivist.

“Physical Form” includes paper, electronic, microfilm, microfiche, audio, and video recordings, photographs, optical/digital disks, CD-ROM, and other recording media. Retention periods are calculated on the basis of the records content and function and not its physical form. For example, vouchers, whether retained on paper, microfilm, or in electronic format, are retained for 6 years before being destroyed.

“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. It also includes any writing that contains information relating to the conduct of the public’s business, including but not limited to court records, mortgages, and deed records, prepared, owned, used or retained

by a public body regardless of physical form or characteristics.

Public Record does not include records of the Legislative Assembly, its committees, officers and employees; library and museum materials made or acquired and preserved solely for reference or exhibition purposes; records or information concerning the location of archaeological sites or objects as those terms are defined in ORS 358.905; extra copies of a document, preserved only for convenience of reference; a stock of publications; messages on voice mail or on other telephone message storage and retrieval systems; records of the Judicial Department or its officers and employees; or spoken communication that is not recorded. It also does not include any writing that does not relate to the conduct of the public's business and that is contained on a privately owned computer.

Record is any paper, book, photograph, film, reproduction, sound recording, tabulation, card, map, drawing, micrographic, electronic data processing information storage medium, or other information media prepared or received in the course of agency business.

Record Series is an itemized listing on a records retention schedule which identifies a single record or a group of records for purposes of retention and disposition.

Records Officer refers to the person designated by a state agency or political subdivision in accordance with ORS 192.105(2)(a). Records Officers organize and coordinate the agency's Records Management Program. Records Officers also serve as their agency's primary liaison with the State Archivist and receive training from the State Archivist in performing their duties. Typical duties include planning, controlling, directing, organizing, training, promoting the program, and other activities involving the life cycle of information including records scheduling, retirement, storage and destruction.

Rescind means to revoke, cancel, or repeal a law, order, or agreement, or to declare void; to take something (such as a rule or contract) out of effect. Example: The agency will rescind the policy because many people are dissatisfied with it.

Supersede means to take the place of, as by reason of superior worth or right; or to set something aside. Example: A recently enacted statute that repeals an older law is said to supersede the prior legislation.

Writing means handwriting, typewriting, printing, photographing and every means of recording, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, files, facsimiles or electronic recordings.

- Policy Security Level:** ODVA policies are designated as Data Classification Level 1 Published (SL1).
- Access Security Level:** The processes involved in implementing this policy are classified as SL1 Published.
- Records Retention:** ODVA Special Records Retention Schedule; State Archives State Agency General Records Retention Schedules.

- References:** ORS Chapter 192; DAS statewide policies 107-001-020, 107-001-030; Executive Order 16-06
- Forms:** *RM4011 Public Records Request*
RM4012 Public Interest Threshold Evaluation
RM4013 Public Interest Fee Waiver or Reduction Request
- Desk Manuals:** Internal processes and procedures that support compliance, deter abuse and detect violations of this policy may be included in written desk manuals for individual or program sections.