

# PUBLIC INTEREST THRESHOLD EVALUATION

**Important Submission Instructions**

A request for a fee waiver or fee reduction for a Public Records Request of the Oregon Department of Veterans' Affairs may be made by submitting a completed RM4013 PUBLIC INTEREST FEE WAIVER OR REDUCTION REQUEST with a completed RM4011 PUBLIC RECORDS REQUEST via email to: [ODVA\\_Public\\_Records@odva.state.or.us](mailto:ODVA_Public_Records@odva.state.or.us). The requests may also be submitted by mail to the ODVA Records Officer, 700 Summer ST NE, Salem, OR 97301-1285; or they may be faxed to the ODVA Records Officer at 503-373-2156. Please see the following page for **How To Use This Form**.

Date of Request	Name of Requester

Requested Records

### 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.

#### 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

#### 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

#### 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

#### Determination/Decision

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Employee Name	Employee Signature	Date

#### Disclaimer

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 fee 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.

## PUBLIC INTEREST THRESHOLD EVALUATION

### 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 and/or a fee 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 and/or a fee 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 fee 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.

#### **Note:**

Requests for fee-reduction or fee 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.