



HEALTH LICENSING OFFICE

1430 Tandem Ave. NE, Suite 180, Salem, OR, 97301

Phone: 503-378-8667 | Fax: 503-370-9004

www.healthoregon.org/hlo | Email: hlo.info@state.or.us

PUBLIC RECORDS REQUEST

Requestor's Name:		Date:
Company Name:		
Mailing Address:		
City:		State: Zip:
Phone:	Fax:	Email:
Records Requested; Please be specific (populate this section or attach a preprinted list):		Number of copies?
Describe:		

Under OAR 331-010-0030(3), for public records requests with an estimated cost of more than \$25, HLO is required to provide the requestor with a written notification of the estimated amount of the costs. The requestor must then confirm that they want the office to proceed with making the records available. These costs may include the locating, inspecting, reviewing, deleting exempt material, copying, certifying, and mailing the records, including the cost of searching for records regardless of whether the office was able to locate the requested records.

NOTE: If the HLO determines that the **actual costs** of fulfilling the request **is \$25 or more than the estimated costs provided**, then the Office will notify the requestor of the difference of costs, and the requestor can then provide the office with direction on how to proceed on the request.

I understand that the HLO will send me a written estimate for the records indicated above if the estimated cost is expected to be more than \$25 and understand that if the estimated costs of fulfilling this public records request is under \$25, the office is not required to provide a written estimate but may otherwise contact me with the estimated costs.

I also acknowledge that I have read the information attached "Public Records Request Information and Fees" and Oregon Administrative Rules (OAR) 331-010-0030, Fees for Public Records and Publications, and understand that the records, in whole or in part, will be released to me upon the office's receipt of payment of the estimated or actual charges.

Signature: if returning by mail or fax – Email: confirmation by electronic receipt Date

In order to complete an estimate, the HLO will also need the following information:

I will pick up: Please send UPS or FED-EX: Please send US Mail: Email (if format allows):
UPS billing number: _____ FED-EX billing number: _____

THIS SPACE FOR OFFICE USE ONLY

HLO Contact: _____ Phone: _____

Please send completed form to the address or fax number listed above, or email to;

hlo.info@state.or.us

(important information below.)

OAR 331-010-0030

Fees for Public Records and Publications

(1) All requests for copies of public records pertaining to the Health Licensing Office, or any program it administers, shall be submitted in writing, electronic mail, or by completion of an electronic form provided by the Office. Requests are subject to disclosure according to the Public Records Law, ORS 192.410 to 192.505, and rules adopted thereunder.

(2) The HLO may charge a fee reasonably calculated to reimburse the office for costs of providing and conveying copies of public records. Fees shall not exceed the cost of locating, compiling, making available for inspection, preparing copy in paper, audio, computer disk, and delivering public records. All estimated fees and charges must be paid before public records will be made available for inspection or copies provided.

(3) The HLO shall notify a requestor of the estimated costs of making records available for inspection or providing copies of records to the requestor. If the estimated costs exceed \$25, the Office shall provide written notice and shall not act further to respond to the request unless and until the requestor confirms that the requestor wants the Office to proceed with making the public records available.

(4) Charges to the general public shall be payable in cash, cashier's check, money order, or credit card. Payment by personal check for copies of official documents is not accepted.

(5) The HLO shall charge 25¢ per page for the first 20 pages and 15¢ per page thereafter to recover the costs of photocopying and normal and reasonable staff time to locate, separate, photocopy and return document(s) to file and to prepare/mail public record(s) to requestors. If, for operational or other reasons, the office uses the services of an outside facility or contractor to photocopy requested records, the Office shall charge the actual costs incurred.

(a) "Page" refers to the number of copies produced. Staff will not reduce the copy size or otherwise manipulate records in order to fit additional records on a page, unless staff concludes that it would be the most effective use of their time. Consistent with ORS 192.240, all copies will be double-sided. A double-sided copy will be charged as two single pages.

(6) "Normal and reasonable" staff time is 20 minutes or less per request:

(a) Additional charges for staff time may be made when responding to record requests that require more than the "normal and reasonable" time for responding to routine record requests. Staff time shall be charged at the HLO's staff hourly rate.

(b) These charges are for staff time in excess of 10 minutes spent locating, compiling, sorting and reviewing records to prepare them for inspection, as well as all time required to separate or remove exempt information or to supervise inspection of documents. The HLO shall not charge for time spent in determining the application of the provisions of ORS 192.410 to 192.505.

(7) Charges for regular agency publications and media requests, such as computer disks, video cassettes, audio tapes or other types of public record formats, shall be available upon request and a price list shall be published on the HLO Web site annually.

(8) The HLO may charge individuals actual postage costs for mailing of records. When mailing voluminous records or responding to special requests, the office shall charge for staff time required to prepare the records for mailing, in addition to actual postage.

(9) The HLO shall charge \$27 per hour, with a \$7.50 minimum, for staff time required to fill public record requests that require electronic reproduction. Charges include time spent locating, downloading, formatting, copying and transferring records to media. Charges for reproduction media are available upon request.

(10) Due to the threat of computer viruses, the agency will not permit individuals to provide diskettes for electronic reproduction of computer records.

PUBLIC RECORDS REQUEST INFORMATION AND FEES

Under ORS 192.420, “every person” has a right to inspect any non-exempt public record of a public body in Oregon. Only those items classified as non-exempt “public record” may be reviewed by the general public. If the Health Licensing Office (HLO) is in doubt about whether a particular file or document is considered a public record, or is exempt from disclosure, the office will consult with its Assistant Attorney General (AAG).

A person or organization may request to inspect or receive copies of a public record or information from public records in person at the HLO, or by mail, by fax, or by email. Requests for office records shall be made in writing under the Oregon Public Records Law and in compliance with the state Administrative Procedures Act. Oregon Public Records Law provides the office a reasonable time to respond to records requests, despite any deadlines that a requestor attempts to impose. The amount of time that is reasonable will depend upon the volume of records requested, staff availability, and the difficulty in determining whether any of the records are exempt from disclosure.

IMPORTANT: The request must include the name, address and telephone number of the person requesting the public record(s), or other contact information for the person requesting the record, **and identify as specifically as possible the type of record(s), subject matter, approximate date(s), name(s) of persons involved and the number of copies requested.**

Original materials may be inspected **onsite only** and may not be removed from the HLO and office staff must be present during records review. The office shall provide “reasonable inspection” of office records during usual business hours. Reasonable inspection of records expressly extends to records maintained in electronic form. Any person reviewing a record on-site must complete the agency’s Public Records Request Form including signature, date, and details of the file or information to be reviewed.

The HLO 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. The office also reserves the right to provide the information after the desired date if the burden of meeting the requested date is impractical.

All public information requests involving employee personnel files will be processed by OHA Human Resources in accordance with Department of Administrative Services (DAS) Statewide HRSD Policy 10.011.01, ORS Chapter 192, and OHA Internal policies.

The HLO may charge reasonable fees for its actual cost in making records available. Such charges include administrative costs for locating, summarizing, compiling or tailoring a record, either in organization or media, to meet the person’s request. Reasonable fees may also include legal and material costs. Legal fees include AAG charges for reviewing and segregating records and related legal administrative support charges. Material fees include copies and postage or charges related to special mailing and/or delivery of requested documents.

The HLO will base charges on the type of work actually performed, not on the classification or pay of the employee who does the work. **Example:** If a manager does routine clerical work in answering a request for a public record, such as photocopying, the charge will still be based on the fee structure above.

The HLO will estimate charges for responding to a records request by completing a Public Records Estimated Charges and Acceptance Form on any request that is estimated to be \$25.00 or more, and will require the signature of the requestor prior to processing the request. No **written** estimate is required if the cost to produce the record is less than \$25. However, the office may still provide a written estimate or may otherwise notify the requestor of the costs.

NOTE: The HLO cannot guarantee that the actual charges to produce a public records request will be the same as the estimated charges. Although the office will strive to project the estimated charges as close to the actual charges as possible, the actual charges may vary from the office’s original estimate.

If during the processing of the records request the HLO determines that the actual charges will be an increase of \$25 or more from the estimate, the office will notify the requestor in writing of the difference between the estimate and the actual charges by sending an “Adjustment to Estimated Charges Form”. The request will then be placed in a pending status until the requestor returns notice of acceptance and approval for the office to proceed with the processing of the request.

HLO PUBLIC RECORDS REQUEST INFORMATION AND FEES (continued)

The person or organization requesting the information must provide payment by **Cash, Money Order, Credit Card, or Cashiers Check** prior to the mailing or delivery of the requested information. Once payment has been received, HLO staff will mail, or otherwise deliver the requested information.

HLO forms requesting additional information, signature authorization, or payment of fees for public records requests must be received in the office within 10 business days from the date of the office request or billing. If the form requesting the additional information, signature authorization, or payment is not received within 10 business days, the office will consider the request closed. In the event that payment is received after the 10 business days, the office may require a new Public Records Request Form be completed prior to the release of the records. Depending on the length of time lapsed from the billing date and the date of payment, and due to the evolving nature and legal effects on some of the office's records, the office may be required to conduct an additional review of the records and may require an additional fee prior to releasing the records, or may be limited or prohibited from releasing the records at that time.

The HLO may allow a waiver/reduction of fees if the office determines that the waiver/reduction of fees is in the public interest and that making the record available primarily benefits the general public. A person who believes that there has been an unreasonable denial of a fee waiver or fee reduction may petition the Attorney General or the district attorney in the same manner as a person petitions when inspection of a public record is denied under ORS 192.450 to 192.505.

PUBLIC RECORDS REQUEST - FEES SCHEDULE

• **Administrative Fees Exceeding First 20 Minutes of "Normal and Reasonable" Staff Time:**

- 21-30 minutes: \$6.75
- 31-40 minutes: \$13.50
- 41-50 minutes: \$20.25
- 51-60 minutes: \$27.00
- 61+ minutes: Add \$6.75 per quarter hour

• **Electronic Audio/Video Records Fees: Stored/Transmitted/Converted, etc.**

- \$7.50 minimum materials costs, plus \$27.00 per hour based on Administrative Charges listed above.

• **Legal Fees:**

- AAG: Charge based on Actual Cost
- Administrative Support: Charge based on Actual Cost

• **Material Fees:**

- Paper Copies: **Single-Sided** = \$0.25 per single-sided printed or photocopied page for the first 20 pages, and \$0.15 per page thereafter.

Double-Sided = copies will be charged as two single pages (\$.50 first 20 and \$.30 thereafter).

- Postage or Delivery based on Actual Cost