




Policy Name: Public Records Requests	Number: 404.025.005.001
Division: Executive	Effective Date: 3/01/2026
Responsible Section: Policy	
Approved by: Executive Team	Approval Date: 2/04/2026

PURPOSE: The Oregon Public Defense Commission (OPDC) is committed to accountability and transparency in government and strives to foster these values through our management of public record requests. Pursuant to Oregon’s Public Record Law (ORS 192.311-192.431) the public has the right to inspect a copy of a public record that is not exempt from disclosure.

This policy is intended to support statewide consistency in how the agency receives, responds to, and fulfills requests for public records. The policy outlines how the agency calculates fees for processing the request, as well as determining if the request is eligible for a fee waiver or reduction.

AUTHORITY: ORS 36.220 - ORS 36.38 and ORS 192.311 – ORS 192.431

REFERENCE: Oregon Attorney General’s [Public Records and Meetings Manual](#) and Governor’s [Executive Order 16-06](#).

APPLICABILITY: This policy applies to all OPDC employees including permanent employees, limited duration employees, temporary employees, members of the Board, the Executive Director, staff, hourly contracted personnel, volunteers, interns, and any individual who is contractually or otherwise obligated to adhere to agency policies.

The requirements in this policy do not supersede, modify, or replace the existing legal responsibilities of OPDC. The agency must continue to meet obligations required by all applicable laws, policies, procedures, and standards

including without limitation: state and Federal public records laws, privacy laws and regulations, and applicable Department of Administrative Services (DAS) policies and procedures. This policy supersedes any previous memorandum or version of the policy

DEFINITIONS FOR PURPOSES OF THIS POLICY:

Actual Cost: The cost is based on the most factual allocation of historical cost factors incurred by the agency to process a public records request. This calculation includes staff time and costs associated with items included in the headers “Production of Responsive Records” and “Additional Cost Considerations” section of this policy. Actual Cost is the exact amount of money that is owed, distinguishing it from estimated cost.

Employee: All OPDC staff including permanent employees, limited duration employees, temporary employees, members of the Board, the Executive Director, staff, hourly contracted personnel, volunteers, interns, and any individual who is contractually or otherwise obligated to adhere to agency policies.

Estimated Cost: An approximate dollar amount given in advance for costs associated with providing the requested public records to the Requestor.

Exempt: Certain records, communications and information that are excluded from public disclosure within ORS 36.220-36.238 and 192.311-192.431.

Page: The number of copies produced, either 8 ½ x 11 or 8 ½ x 14. Staff will not reduce the copy size or otherwise manipulate records in order to fit additional records on a page, unless staff conclude 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 consists of two pages. Because of the increased staff time involved in double-sided copying, there is no reduction in the per page fee.

Public Record: The meaning is established in ORS 192.005 and 192.311. In general, it refers to any writing that contains information relating to the conduct of the public’s business and that is prepared, owned, used or retained by a state agency or political subdivision regardless of physical form or characteristics; 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.

Requestor: An individual or organization requesting access to or copies of public documents relating to the programs or services administered by OPDC.

Waive, waived, waiver: A voluntary reduction or relinquishment of some or all actual costs if OPDC determines it is in the best interests of, and will primarily benefit, the general public, not merely the private interests of the Requestor.

POLICY:

All requests must be submitted in writing as per the channels listed on the [website](#). Public records in the custody of OPDC will be made available as soon as practicable and without unreasonable delay, in accordance with the timelines and conditions outlined in ORS 192.324 and ORS 192.329. Case specific records are often confidential and exempt from disclosure. Public defense clients and authorized public defense attorneys may access case specific records.

Subject to statutory exceptions, primarily defined in ORS Chapter 192 with a complete list compiled by the [Department of Justice](#), if responsive records exist, the agency will:

- Acknowledge requests within five calendar days of receipt;
- Complete requests or provide an estimated date of completion within 15 business days of receipt;
- Complete most requests within 30 calendar days of receipt.

If there are no responsive records, or OPDC is not the custodian of the records, the Requestor will receive notice within five calendar days of receipt. In some cases, the agency may appear to be the custodian of records and an acknowledgment will be sent to the requestor; it may be later determined that no responsive records exist. In this situation, the requestor will be notified in writing.

OPDC may have access to records or data held by business associates or contractors; however, it can only produce records that it prepares, owns, uses, or retains. Requests for records not held by the Board will be denied. If an individual is seeking records from a specific public defense office or contractor, they should contact them directly.

Records must be reviewed for information that is exempt from disclosure. In some instances, a portion of the request may be denied. For some documents, the record may be released, but there may be information that has been redacted from the document. In either case, OPDC will provide information about the nature of the exemption by providing the [rule](#) or statute that prohibit the disclosure.

OPDC may charge a fee for the cost of fulfilling a public records request when the cost to fulfill the request exceeds \$25. If the cost exceeds \$25, OPDC will provide the Requestor with an estimated cost and will not proceed with

fulfilling the request until the agency receives payment. The first 30 minutes of staff time will be waived for a public records request.

OPDC must receive payment for the estimated cost of processing the request before completing work to release the requested information. OPDC accepts the following forms of payment: money order, cashier's check or business check. OPDC does not accept personal checks. If the agency assesses a fee, the Requestor will be notified in writing and provided an opportunity to request a fee waiver or reduction. Fees to fulfill public records requests may be waived or reduced if doing so is in the public interest.

The Requestor may be required to cover the cost to complete a records request that requires additional staff time to fulfill. Costs may include locating, photocopying, reviewing, redacting, making available for inspection, and mailing or emailing the requested documents. Standard fees are \$0.25/page for photocopies and \$5.00/record for certification of a public record. **Note:** Requests for fee-reduction or waiver will be evaluated on a case-by-case basis based on: the information provided by the Requestor; and the totality of circumstances at the time of the request. Previous requests and evaluations will not be considered as part of the evaluation.

The hourly rate charged for additional staff time will be based on the level of skill or expertise required to complete the work performed. Meaning, if work done to fulfill a request requires clerical-level skills, the agency may only charge the clerical hourly rate for time spent on that portion of the work (as a maximum), even if a managerial-level employee, professional-level employee or member of the Board fulfills the request on behalf of the agency.

OPDC will not charge for staff time spent witnessing records inspection when the estimated cost of making public records available for inspection is:

- less than the cost of providing the Requestor with a copy of the public record; or
- insignificant (requested public records are readily accessible and do not require review, redaction, or segregation).
- fees will be charged for staff time required to redact exempt information from requested public records prior to release.

Fees for staff time required to fulfill a Public Record Request will not exceed:

- **\$25/hour for Clerical** (administrative, office specialist, other support staff)
- **\$40/hour for Managerial** (Program managers, PIOs)
- **\$75/hour for Professional** (IT, HR, High-level Analyst)
- **\$275/hour for Deputy Director, DOJ**

Special attorney, or other applicable legal fees: at the actual hourly rate charged for Public Records Request-related services. Fees are subject to statutory limitations described in ORS 192.324. If, for operational or other reasons, the Agency uses the services of an outside facility or contractor to photocopy requested records, the Agency will charge the actual costs incurred.

PRODUCTION OF RESPONSIVE RECORDS:

Fees generated by providing paper or electronic copies to Requestor:

- Copies: Based on current state printing and distribution price list;
- Media: Based on statewide **price-agreement** with OfficeMax;
- Postage: Based on current postal rates.

ADDITIONAL COST CONSIDERATIONS:

Miscellaneous fees related to production and release of responsive records:

- Expedited Archive retrieval;
- Costs of software companies/contracts (as needed to manage the volume of request);
- Other 3rd party costs (in extreme circumstances).

A Requestor may not submit multiple fragmented, small, or otherwise broken up or separated requests in an attempt to avoid costs.

Public defense clients and their authorized attorneys are entitled to the clients individual, specific OPDC case record(s), without a fee.

Regardless of the level of public interest, a Requestor must have the ability to meaningfully disseminate the information for a request to qualify as being in the public interest. The determination of whether a fee is waived or reduced will be assessed using the Public Interest Threshold Evaluation form.

Reasonable time is allowed for the agency to process the request, including gathering, reviewing and, if necessary, redacting those records which are exempt from disclosure. A reasonable amount of time for completing a request depends on the number and type of records requested as well as the amount of required review and redaction.

Program offices are responsible for compiling records responsive to a public records request and providing those records to the public records team. Federal and state law may require a **written release** by a client, parent or guardian of a client, or other authorized individual prior to the release of records. The Requestor will be notified when this situation arises.

OPDC will post this policy on its website, along with information on where to submit requests.

Approved by:	Executive Team
Prepared by:	Policy Division
Reviewed by:	Executive Team

Publish:	Internally & Externally
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