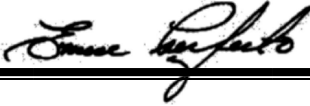




<u>POLICY NAME:</u>	Public Records Requests	<b>Number:</b>	404.100.01.001
<u>DIVISION:</u>	Executive	<b>Effective Date:</b>	10/30/2024
<u>RESPONSIBLE SECTION:</u>	Administration		10-30-2024
<u>APPROVED:</u>	Executive Team	<b>Approval Date:</b>	10/30/2024

**PURPOSE:**

The Oregon Public Defense Commission (OPDC) is committed to accountability and transparency in the 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 protected from disclosure. However, OPDC can only produce records that it prepares, owns, uses, or retains. If an individual is seeking records from a specific public defense office or contractor, they should contact them directly.

This policy is intended to establish consistency in how the agency receives, responds to, and fulfills requests for public records. The policy also 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 192.311 – ORS 192.431)**

**APPLICABILITY:**

The requirements in this Policy do not supersede, modify, or replace the existing legal responsibilities of any state agency. Agencies 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 404.100.100 Public Records Request, effective date 7/16/2024.

**POLICY:**

All requests for public records shall be submitted in writing. Records in the custody of OPDC shall 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.

If responsive records exist, the agency shall:

- 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 shall receive notice within five calendar days of receipt.

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 rules or statutes that prohibit the disclosure.

The Oregon Public Defense Commission (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 requester with a cost estimate and will not proceed with fulfilling the request until the agency receives payment. 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.

Regardless of the level of public interest, a requester must have the ability to meaningfully disseminate the information for a request to qualify as being in the public interest.

You may be required to cover the cost to complete a records request that requires additional staff time to fulfill. Costs may also 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 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.

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, agencies may only charge the clerical hourly rate time spent on that portion of the work (as a maximum), even if a managerial-level or professional-level employee fulfills the request on behalf of the agency.

Agencies 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 shall 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 General counsel, DOJ**

Special attorney, or other applicable legal fees: at the actual hourly rate charged for Public Records Request-related services. Fees subject to statutory limitations described in ORS 192.324. OPDC shall post this policy on its website, along with information on where to submit requests. All requests shall be in writing. Case specific records are often confidential and exempt from disclosure. Public defense clients and authorized public defense attorneys may access case specific records outside of the public records process.

## **Production of Responsive Records**

Fees generated by providing paper or electronic copies to requesters:

**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)

Approved by: Executive Team  
Prepared by: Policy Division  
Reviewed by: Executive Team  
Publish: Internally & Externally