

# Oregon Water Resources Department: Public Records Requests Policy & Procedures

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## POLICY

The Oregon Water Resources Department (Department) fully complies with the Oregon Public Records Law and responds to public record requests as soon as practicable and without unreasonable delay, in the manner described below. ORS 192.440(7) requires every public body to make available to the public a written procedure for making public record requests. The Department's administrative rules related to public records requests can be viewed online at: [http://arcweb.sos.state.or.us/pages/rules/oars\\_600/oar\\_690/690\\_003.html](http://arcweb.sos.state.or.us/pages/rules/oars_600/oar_690/690_003.html)

## PROCEDURES

### 1. Public records request procedure.

The Director's office is responsible for coordinating public records requests made to the Department. The Director's office will work with the Department's staff as appropriate in fulfilling the public records requests. All formal public records requests must be submitted in writing (includes electronic mail) and directed to:

#### By Mail:

Oregon Water Resources Department  
Public Records Request  
725 Summer St. NE, Suite A  
Salem, OR 97301-1271

#### By Electronic Mail:

Submit request by electronic mail to: [WRD\\_DL\\_PublicRecords@oregon.gov](mailto:WRD_DL_PublicRecords@oregon.gov)

### 2. Content of public records request

Requests for Department public records shall be as specific as possible including, as appropriate, the type, number, subject matter and approximate date of the public record. If the public records request is unclear, the Department may request further clarification of the request. If the Department cannot identify specific public records responsive to a public records request, the Department may provide general files or distinct sections of public records that are likely to contain the requested public records.

### 3. Department response to public records requests.

The Department advises persons interested in viewing and obtaining copies of public records in-person to contact the Department (field offices or Salem headquarters) prior to their arrival for information regarding staff, space, and equipment availability. The right to review public records includes the right to review the original public record where practicable. However, the requestor does not have a right to personally locate the public record or to review portions of the public record that are exempt from disclosure pursuant to Oregon law.

After receiving a request for a public record or document, the Department will respond to public records requests as soon as practicable and without unreasonable delay. The response may include one or more of the following:

- A statement that the Department does or does not have custody of the requested document(s). If the public records are available on the Department's website, the Department will provide information on how to access the public records. If the Department is the custodian of public records responsive to the request, the Department will provide the requestor with an estimate of Department costs to process the request if the estimate is greater than \$25. The Department will proceed to process the request only after it has received confirmation from the requestor that they agree to reimburse the Department for costs associated with processing the request.
- A statement that the Department is uncertain whether it possesses any 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 the Department from acknowledging whether the record exists and a citation to the relevant state or federal law.

The Department will accommodate public records requests as follows:

- As appropriate, staff at the Department's field offices will provide public records to a requestor in response to a public records request, unless the volume or subject matter of the request exceeds the field office's capacity to provide public records in a timely manner. If a field office is unable to provide requested public records in a timely manner, the Department's Salem office will provide the public records in response to the public records request.
- The Department will establish hours during which the public may review the Department's public records.
- The Department will designate and provide a supervised space, if available, for viewing public records. This space will accommodate at least one reviewer at a time.
- The Department accommodates public records requests from persons with disabilities in accordance with the Americans with Disabilities Act.
- The Department's ability to accommodate in-person public requests may be limited by staff and equipment availability. Additionally, prior to making public records available for public review, the Department will ascertain whether the public record requested is exempt from public disclosure under ORS chapter 192 and other applicable law. Based on these limitations, Department staff may require appointments to view and copy public records.

#### **4. Charging for public records requests.**

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*, the Department will provide the requestor with written notice of the estimated amount of the fee. In such instances, the public records coordinator will not fulfill the request until the requestor *confirms in writing* that the requestor wants to proceed with the request despite the estimated cost. *Confirmation* may be submitted by electronic mail.

**The Oregon Water Resources fee schedule is as follows:**

**Copies:**

Standard copies	\$2 for first copy; 50 cents per page after first copy.
Certification of Public Records	\$10 per record

**Labor charges:**

Department Staff	Based on individual staff per/hr. compensation
Attorney Review	Hourly cost based on DOJ fee schedule (\$143/hr as of 7/1/2011)

- All time for public records requests will be recorded in 30-minute increments. The Department will base labor charges on the actual hourly compensation and other payroll expenses of the person performing the tasks for which the rate is charged.
- The Department may charge for the cost of searching for public records regardless of whether the Department was able to locate the requested public record. If necessary to respond to a public records request, the Department may request the Department of Justice Attorney General review the public records to exclude material exempt from disclosure. The Department will assess a charge for this process at the hourly rate charged by the Department of Justice.
- As noted previously, the Department will generate a cost estimate for completing the public records request. Pursuant to confirmation to proceed and upon completion of its public records response, the Department will bill direct costs to the requestor. Payment for public records requests may be made in the form of cash, check, or money order. Make checks and money orders payable to "Oregon Water Resources Department-Public Records Request." The Department may ask the requestor to pay the fee before the agency sends the requested records or makes them available for viewing.

**5. Fee waivers for public records requests.**

Requests for fee waivers or reduced fees must be made in writing (includes electronic mail) to the above address. The Department 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. The Department will determine the appropriateness of fee waivers or adjustments based on the guidance of the relevant statutes and the Attorney General's Public Records and Meetings Manual.