

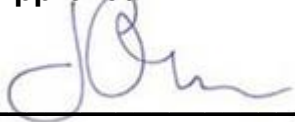


**OREGON YOUTH AUTHORITY**  
**Policy Statement**  
**Part I – Administrative Services**



*Subject:*

**Public Records Requests for Agency Records**

<i>Section – Policy Number:</i> <b>E: Information Management – 2.1</b>		<i>Supersedes:</i> I-E-2.1 (4/19) I-E-2.1 (4/16) I-E-2.1 (3/11) I-E-2.1 (5/00)	<i>Effective Date:</i> <b>06/30/2021</b>	<i>Date of Last Review/Revision:</i> <b>None</b>
<b>Related Standards and References:</b>	<ul style="list-style-type: none"> <li>▪ <a href="#">ORS 192.001</a> through 192.595 (Public Records Policy)</li> <li>▪ OAR <a href="#">137-004-0800</a> (Public Records Personal Safety Exemption)</li> <li>▪ <a href="#">OAR Chapter 416, Division 130</a> (Inspection and Copying of Public Records)</li> <li>▪ <a href="#">DAS policy: 107-001-030</a> (Public Records Requests Fees and Charges)</li> <li>▪ <a href="#">OYA policy: I-A-4.0</a> (Tort Liability and Claims)</li> <li>▪ I-E-1.2 (Response to Subpoenas)</li> <li>▪ I-E-2.3 (Requests for Youth Information and Records)</li> <li>▪ I-E-3.1 (Information Asset Classification &amp; Protection)</li> <li>▪ <a href="#">OYA forms: YA 0053</a> (Request for Public and Youth Records)</li> <li>▪ <a href="#">Attachment A</a> (Agency Records Request Response Area)</li> </ul>			
<b>Related Procedures:</b>	<ul style="list-style-type: none"> <li>▪ <a href="#">DO I-E-2.1</a> Agency Public Records Request Tracking System</li> </ul>			
<b>Policy Owner:</b> Public Policy and Government Relations Manager	<b>Approved:</b>  _____ Joseph O'Leary, Director			

**I. PURPOSE:**

This policy delineates how OYA staff respond to public records requests for agency records. This policy does not address requests for youth records. Staff may refer to I-E-2.3 (Requests for Youth Information and Records) for youth record requests.

**II. POLICY DEFINITIONS:**

**Agency records:** All OYA public records, except for youth records.

**Public records:** Any writing that contains information relating to the conduct of the public's business prepared, owned, used or retained by a public body regardless of physical form or characteristics. This includes agency records and limited youth records. Public record does not include any writing that does not

relate to the conduct of the public's business and that is contained on a privately owned computer.

**Published information:** Low-sensitive information. Information that is not protected from disclosure, that if disclosed will not jeopardize the privacy or security of agency employees, clients and partners. This includes information regularly made available to the public through electronic, verbal or hard copy media.

**Requester:** A person requesting disclosure of public records. Requester does not include a "public body" or public official, other than a member or committee of the Legislative Assembly.

**Writing:** Handwriting, typewriting, printing, photographing, and every means of recording including letters, words, pictures, sounds or symbols, or combination thereof, and all papers, maps, files, facsimiles or electronic recordings or storage.

**Youth:** A person in the legal and physical custody of OYA, or a person in the legal custody of the Department of Corrections (DOC) and the physical custody of OYA.

### III. **POLICY:**

It is the intent of OYA to be transparent in its operations and stewardship of public resources. Oregon laws require all agency public records be available upon request to any member of the public unless the record is specifically exempt from disclosure. As a state agency, OYA will adhere to the goals of transparency, state and federal laws, and ensure public records not specifically exempt by law are released upon request.

This policy delineates how OYA staff respond to public records requests for agency records. This policy does not address requests for youth records. Staff may refer to I-E-2.3 (Requests for Youth Records, Reports and Other Materials) for youth record requests.

Staff may refer to OYA policy I-E-3.2 (Information Asset Classification and Protection) to assist in determining what agency information is disclosable.

### IV. **GENERAL STANDARDS:**

A. Any OYA staff member may provide **published information** to a requester, orally or in writing.

Published information is listed in OYA policy I-E-3.2 (Information Asset Classification and Protection).

B. Staff may not provide original records to requesters. Only copies may be provided.

C. Staff must respond in writing to written requests to view or receive copies of agency records as soon as possible and without unreasonable delay.

Staff may receive requests in person, by mail, or by e-mail. (See section E regarding proper written responses.)

D. Agency records requests

1. Staff must forward all public records requests (other than for published information) to the Public Policy and Government Relations Manager, or designee, for assignment.
2. The Public Policy and Government Relations Manager, or designee, will refer to [Attachment A](#) (Agency Records Request Response Area) when assigning agency records request responses.
3. The Public Policy and Government Relations Manager, or designee, must ensure completion of a Request for Public and Youth Records form ([YA 0053](#)) as described in section E below.

E. Records request documentation: Request for Public and Youth Records ([YA 0053](#))

1. A Request for Public and Youth Records form (YA 0053) must be used to document agency record requests.

Staff assigned to respond to the agency record request must complete a YA 0053 and provide the YA 0053, acknowledging the request and an estimate of time to provide a fee estimate or response to the requester within five business days after receiving the request. Youth treatment and prognosis records are not disclosable without a documented release of information from the youth. Refer to I-E-2.3 (Requests for Youth Records, Reports and Other Materials) for more information about youth record requests.

2. Records fees

- a) Staff must follow the YA 0053 instructions for fee calculation.
- b) If the fee estimate exceeds \$25, staff must provide the requester with an estimated cost based on information available.

Prior to processing the request, staff must confirm that the requester agrees to pay the fee. The requester's response must be documented.

3. A supervisor or manager must designate subject matter experts who can review the agency record request prior to completion to determine if exemptions or prohibitions from public disclosure apply. The subject matter approval must be included in the completed YA 0053 form to document the review.

F. OYA may respond to agency records requests without a fee charge or a substantially reduced fee if OYA determines that the waiver or reduction of fees is in the public interest because making the records available primarily benefits the general public.  
The Public Policy and Government Relations Manager must follow OAR 416-130-0060(3)(b) to determine whether the fee will be reduced or waived.

G. Examining agency public records

The Public Policy and Government Relations Manager must ensure staff follow OAR 416-130-0050 when allowing a requester to examine agency public records.

H. Other requests for information

1. Subpoenas: Staff must follow OYA policy I-E-1.2 (Responses to Subpoenas) when responding to a subpoena.
2. Tort claims: Staff must follow OYA policy I-A-4.0 (Tort Liability and Claims) when responding to a tort claim.
3. Expunged records: Staff must follow OYA policy I-E-2.4 (Expunction Orders) when responding to expunction orders or requests for expunged records.
4. Youth records: Staff must follow OYA policy I-E-2.3 (Requests for Youth Information and Records).

I. An individual may request exemption from disclosure of a home address or personal telephone number that is otherwise available for public disclosure when the personal safety of the individual or a family member residing with the individual is in danger if the information is disclosed.

Such requests must be forwarded to the Public Policy and Government Relations Manager who will respond to the requests according to OAR 137-004-0800 (Public Records Personal Safety Exemption).

J. Inappropriate release of agency public records

Staff must follow OYA policy I-E-3.3 (Information Security Incident Response) if they learn of a possible information security event or inappropriate release of agency public records.

1. Staff must immediately verbally report information security events to their supervisors or the officer-of-the-day (OD), and the Information Systems Service Desk (503) 378-4333. Voicemail is acceptable.
2. Staff must also report the event via email to [isworkorder@oya.state.or.us](mailto:isworkorder@oya.state.or.us), with "Information Security Event" as the subject.

**V. AGENCYWIDE PROCEDURE REQUIRED: YES**

The Public Policy and Government Relations office must retain a tracking system and procedure for all agency public records requests that documents the following:

1. Date the request was received;
2. Date the YA 0053 was sent to the requester;
3. Documentation of fee communication;
4. Date the request was completed; and
5. Where documents are stored.

The table below indicates to whom requests for agency records may be directed for responses.

The person providing information must follow OYA policies I-E-2.1 Public Records Requests for Agency Records, and I-E-2.3 Requests for Youth Information and Records.

<b>Requester</b>	<b>Topic</b>	<b>Responder</b>
Media	Anything	Communications Office staff
Legislator	Anything	Public Policy and Government Relations Manager
Governor's Office	Anything	Public Policy and Government Relations Manager
Attorney, court	Anything	Subpoena Coordinator
Anyone other than above	OYA agency information	Communications Office staff
Anyone other than above	JJIS data/information	JJIS Policy and Standards Team Lead
Anyone other than above	Research request	Research Manager