

Cost of public records access in Oregon

Issues of Concern/Problems to solve

Based on testimony and research of the Public Records Advisory Council - Legislative
Subcommittee, 2021-22

By Emily Harris, Chair, Legislative Subcommittee

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Concern/Fear/Issue raised	Affected parties
1. Without fees, public bodies would be unable to limit the size and scope of requests that take up an unreasonable amount of staff time and agency resources, and may face an increase in periodic extreme requests/requestors who become harassing.	
2. Even after partial fee waivers, the price of accessing public records can be a significant barrier for news organizations. This can also be true for individuals and non-media public-interest oriented organizations.	
3. Fees, cost estimates, and interpretation of “the public interest” to justify fee reductions vary widely, as does the methodology or justification agencies use to make these determinations.	
4. The fee appeals process is ineffective.	
5. It takes an excessive amount of time and resources to review documents - emails in particular - for non-releasable information.	
6. It is sometimes difficult to determine which public body, or which section of one large agency, holds what records.	
7. Fees don't cover true costs of	

<p>responding to records requests</p>	
<p>8. People responsible for responding to public records requests often have other more primary duties. For example, the chair of a volunteer board or a mayor, whose primary responsibilities are governance, or a PIO, whose primary responsibility is communicating information or perspective that the agency wishes to share with the public. This is in contrast with the federal government approach, which professionalizes public record specialists.</p>	
<p>9. Some public bodies have limited budgets for routine good public record management practices, such as legal reviews.</p>	
<p>10. Many public bodies don't have money in their budgets for public record management practices that could reduce the cost of compliance long-term, such as digitizing records and modernizing systems.</p>	
<p>11. Some public bodies see responding to public records requests as a distraction from their core mission.</p>	
<p>12. Defining media for the purposes of interacting with government is not appropriate in a democracy.</p>	