

STATE OF OREGON

TODD ALBERT
OREGON PUBLIC
RECORDS ADVOCATE



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Legislative Concepts regarding communication:

1. A requester who received a notification of the estimated fee amount as described in this paragraph may request an explanation from the public body for the basis for the fee. If an explanation is requested, the public body shall provide a response to the requester that has sufficient detail to permit a reasonable person to understand the amount and purpose of each component of the estimated fee as soon as practicable, but no more than five business days after the request for explanation is received by the public body. **The completion of an explanation from a public body for the basis of its fee shall not be included in the fees for making public records available under ORS 192.324(4).**

The period of time between when a requester seeks an explanation for the basis of the fee and the response by the public body is not included in the 60-day period described in ORS 192.329 (3) and (4).

2. If the custodian denies the request for a fee waiver or substantial fee reduction, the custodian shall provide a written explanation for the denial **that applies the public interest standard in ORS 192.324(5), including the custodian's determination as to whether making the record available would primarily benefit the general public.** If the custodian fails to provide a written explanation for the denial and the requester appeals the denial of the waiver under ORS 192.407, the custodian's failure to provide a written explanation may be considered by the appropriate reviewing body.

Commented [TA1]: I am weary of being more prescriptive as the statute itself does not provide additional guidance on public interest fee waivers or reductions.

3. The written procedure described in this section shall be made available:

On the public body's website; or

If the public body does not have a website, at a publicly accessible physical space, if available, and provided upon request to a requester.

A public body may not charge a fee for completing public records requests until the public body complies with this subsection.