



## Oregon State Board of Towing Public Records Policy

- The Oregon State Board of Towing will make available, upon written request using the form required by the Board, records and documents subject to Oregon's public records requirements.
- Written public records requests will be responded to in a timely manner.
- To ensure the integrity and confidentiality of Board investigations and disciplinary actions, written public records request for information, records, and documents related to an open investigation, complaint or disciplinary process may be deferred until completion of (1) the Board's determination and (2) due process of the disciplinary action or (3) case file management process.
- Not all documentation or records of the Oregon State Board of Towing are subject to disclosure under a public records request. Records and documents may be redacted or summarized as allowed to comply with Oregon's laws and rules.

*The Oregon State Board of Towing cannot provide legal advice or assistance. Private requests for information not meeting the definition of, or not considered to be, for the genuine public interest may be denied.*

### **Public Records Policy FAQs**

**Question:**

What is a public record?

**Answer:**

Public record is defined in Oregon law as any writing that contains information relating to the conduct of the public's business that is prepared, owned, used or retained by a public body regardless of physical form or characteristics.

**Question:**

What is FOIA and how does it relate to my records request?

**Answer:**

FOIA is the Freedom of Information Act, which is federal law. Although requesters frequently mention FOIA in their requests, that law only applies to federal agencies, not state agencies.

Question:

What Oregon State Board of Towing records are available?

Answer:

Documents and records generated, referred to, or used by the Oregon State Board of Towing are available under a public records request with limited exceptions:

1. Reports, data, information or documents generated or provided by another agency or entity remain the property of the entity or agency. The requestor will be provided information of the originating or controlling agency when applicable.
2. Documents or records for which the Board is not the custodian.
3. To ensure the integrity of Board investigations and disciplinary actions, complaints and investigation materials will not be released under a public records request until the matter has been resolved and the file closed by the Board. General complaint information, including the nature of the complaints, details of a towing event, and resolution or decision by the Board, will be made available to the public through the Board's website and at public meetings and work session.
4. To ensure legal requirements or expectation of privacy and confidentiality is maintained, public records requests for complaint or investigation documents which may identify the complainant, vehicle owner, tower, or any witnesses will be referred to the Dept. of Justice for processing. Applicable DOJ rates and fees will apply.
5. Any other documentation not subject to Oregon's public records law.

Question:

What does is the cost to get a public record?

Answer:

Due to the limitation of Board resources, the following fees apply:

1. *Access to public records and materials available on the internet:*
  - The Board will provide links to web pages containing the requested public records and documents when the links exist. If the documentation or response is posted on a publicly available web page, additional copies will not be provided.
2. *Staff time:*
  - No charge for the first .5 hour of review and initial response to the requestor's initial public records request.
  - An initial response will include information if the records requested do not exist or cannot be provided by the Board.
  - Hourly rates as allowed by the Dept. of Administrative Services for board staff to compile information for public records calculated as follows:
    - Minimum fee of ½ hour, payable in advance.

- Fees accrue in increments of .25 an hour thereafter, due and payable prior to the release of the public records, to include all staff time used to comply with the public records request.
  - A deposit may be required depending on the nature of the request.
3. *DOJ or other applicable legal fees are charged at the actual hourly rate set by statute ORS 192.324.*
- A \$400 deposit may be required for any public records request requiring DOJ review.
  - After assessment of the public records request, an estimate of the DOJ charges will be provided, and a deposit of the estimated charges paid, prior to DOJ review.
  - Deposited funds in excess of the amount billed by DOJ will be refunded.
4. *Photocopies*  
As determined by the current price list for DAS State Printing and Distribution.
5. *Electronic transmission*  
There is no additional charge to send documents by email.
- No sensitive or confidential information will be sent via email.
  - The Oregon State Board of Towing is responsible for the sending of electronic information, not the receipt of information. Mail server or provider attachment or other restrictions must be conveyed to Board staff prior to the release of the public records request.
6. *Delivery*  
The actual cost for delivery of records, including postage or courier fees.
7. *Payment.*  
All deposits, fees, and costs must be paid by check or money order.

**Reviewing Documents:**

Is physical review of the documentation available?

**Answer:**

When available or required, appointments may be scheduled to view documentation at the Board's physical mailing address.

**Question:**

Are meeting transcripts available?

**Answer:**

The Oregon State Board of Towing provides minutes of Board meetings and notes from work sessions. The Board records public rules hearings when required by law, and will provide summaries of public comment and testimony. The Board does not provide transcripts of meetings, work sessions, or rules hearings.

**Question:**

Can a public records request be a “continuing request” for records for future records or documents generated by the Oregon State Board of Towing?

**Answer:**

No. The public records request is specific to the documentation and information requested on the date the request is received by the Oregon State Board of Towing.

**Question:**

What if the Oregon State Board of Towing doesn't have the records I request?

**Answer:**

- Public records law pertains to existing records and does not require an agency to generate a record or document in response to a public records request.
- The Oregon State Board of Towing may not reformat or generate a record or document in response to a public record requests.

**Question:**

How long does the Oregon State Board of Towing keep public records?

**Answer:**

- The Board follows the retention schedule of the Oregon Secretary of State's office.

DRAFT FOR DISCUSSION  
PURPOSES ONLY



**Oregon State Board of Towing  
Public Records Request Form**

Refer to the attached FAQs for available records and associated cost for the records request.

**Requestor Information**

- **Full Name\*:** \_\_\_\_\_
- **Company/Association/Affiliation\*:** \_\_\_\_\_
- **Phone Number:**  
\_\_\_\_\_
- **Email Address\*:**  
\_\_\_\_\_
- **Mailing Address\*:**  
\_\_\_\_\_

*\*Required information.*

**Records Request Details**

- **Description of Records Requested:** *(Be as specific as possible – attach additional pages if needed)*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- **Preferred Method of Delivery:**

(Please check one)

- Email
- Mail
- In-Person Pickup. DMV HQ, 1905 Lana Avenue, NE, Salem, Oregon.

**Requestor Signature:**

- **Signature:** \_\_\_\_\_
- **Date:** \_\_\_\_\_

**DRAFT FOR DISCUSSION  
PURPOSES ONLY**

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***Oregon Public Records Law***

- *Records are available when required by Oregon Public Records Law (ORS 192).*
- *Agencies may charge fees to cover the costs of locating, copying, and delivering the requested records.*

***Fees and Waiver of Fees***

- Multiple or subsequent public records requests may be considered a continuation of the original request, and a deposit may be required.
- Board fees will be charged in compliance with the attached DAS policies.
- Any request for a waiver or reduction of fees must be submitted on an official waiver form.
- Any “yes” answer from the waiver form must be accompanied by a written statement of explanation.
- Waiver or reduction of fees or costs must be approved by Board vote at a regularly scheduled Board meeting.

**For Agency Use Only**

- **Received By:** \_\_\_\_\_
- **Date Received:** \_\_\_\_\_
- **Request Status:**
  - Approved
  - Denied
  - Pending
- **Fee (if applicable):** \$ \_\_\_\_\_
- **Date Records Sent:** \_\_\_\_\_

**DRAFT FOR DISCUSSION  
PURPOSES ONLY**

**Exhibit A: Statewide Standardized Fee-Structure Process Document**

**Process**

**PUBLIC RECORDS REQUEST RECEIVED**

Agencies shall waive 30-minutes of staff time (at a minimum).

An agency may deny eligibility for the 30-minute waiver if abuse by the requester is determined to exist either by:

- 1) Fragmenting a request that if taken in the aggregate would amount to significantly more than 30 minutes; or
- 2) Submitting multiple small requests in a short time-frame causing an undue burden on the agency.

**FEE-WAIVER/REDUCTION REQUEST RECEIVED**

**Waiver Eligibility Determined**

Agencies are statutorily required to consider and grant reasonable requests to waive and/or reduce fees associated with fulfilling a public records request when doing so is in the public interest because providing access primarily benefits the general public.

**Public Interest Threshold Criteria Applied**

See attached Public Interest Threshold Criteria Evaluation Form.

**Public Interest Threshold Met**

**Public Interest Threshold Not Met**

**Full Waiver**

All fees waived.

**Partial Waiver**

Reduced fee-schedule applied for any fees not covered by waiver.

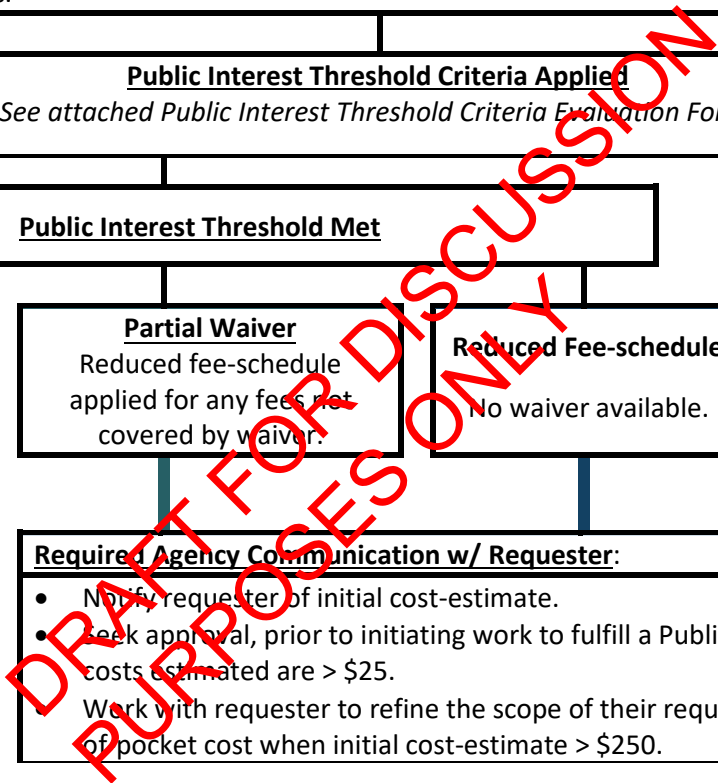
**Reduced Fee-schedule**

No waiver available.

**Standard Fee-schedule**

**Required Agency Communication w/ Requester:**

- Notify requester of initial cost-estimate.
- Seek approval, prior to initiating work to fulfill a Public Records Request, if total costs estimated are > \$25.
- Work with requester to refine the scope of their request or otherwise reduce out-of-pocket cost when initial cost-estimate > \$250.



## Exhibit B: Statewide Standardized Fee-Schedule

### **Standard Fee-Schedule**

Agencies shall waive a minimum of 30 minutes of staff time for all Public Records Requests after which fees may be assessed for additional staff time, applicable services and supplies required to fulfill a Public Records Request in accordance with the applicable fee-schedule below.

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 actually 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.

### **Staff time**

Fees for staff time required to fulfill a Public Records Request shall not exceed:

- **\$25/hour for Clerical** (administrative, office specialists, other support staff)
- **\$40/hour for Managerial** (Program managers, Public Information Officers)
- **\$75/hour for Professional** (Information Technology, Human Resources, High-level Analyst)
- **DOJ, special attorney and other applicable legal fees:** at the actual hourly rate charged for Public Records Request-related services. Fees are subject to statutory limitations described in [ORS 192.440\(4\)\(b\)](#).

### **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 third-party costs (in extreme circumstances)

**\*This fee-structure does not apply to agency-specific records with established pre-set price per record (e.g. vital records, licenses, police reports; DMV motor-carrier fees, etc.) or fees assessed for notarized/certified copies of public records.**

## Exhibit C: Public Interest Fee-Waiver or -Reduction Request

### Public Interest Threshold Evaluation Form

#### **HOW TO USE THIS FORM:**

Agencies are statutorily required to consider and grant reasonable requests to waive or reduce fees associated with fulfilling a public records request when doing so is in the public interest because providing access primarily benefits the general public.

The Public Interest Threshold Evaluation provides agencies with standardized criteria to use when evaluating a request for a fee-reduction/waiver submitted by a public records requestor under ORS 192.440(5). Agencies shall consider each factor to determine whether the public interest in disclosure of the requested records warrants granting a fee-reduction/waiver.

All requests for a Public Interest Fee-Waiver or -Reduction will be evaluated on a case-by-case basis using information provided by the requestor as well as information independently available to the agency.

#### **ADDITIONAL GUIDANCE:**

- To adequately balance the Executive Branch of Oregon state government's obligation to be transparent and accessible with the obligation to prudently safeguard public funds and resources, fee-waivers and -reductions should be granted when the statutory standard has been met – when disclosure will primarily benefit the general public.
- A request to waive or reduce fees related to a public records request, that requires substantial agency resources to complete, may be denied if the interest of the general public would be better served by preserving agency resources.
- The public interest is not a fixed concept and the balance of public interest may change over time. It may shift as information becomes older or in the light of issues of the day. The circumstances at the time of the request will be considered.
- A genuine public interest in the subject matter of a request is required as the basis for granting a waiver. The public interest is not necessarily the same as what interests the public. The fact that a topic has been discussed in the media does not automatically mean that there is a public interest in disclosing the information that has been requested about it.
- This standardized fee-structure does not supersede, modify or replace the existing legal responsibilities of any state agency. Agencies must continue to meet obligations required by applicable laws, policies, procedures and standards including without limitation: State and Federal public records laws, privacy laws and regulations and fees for certain public records as defined in statute.

#### **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.**

**Exhibit C: Public Interest Fee-Waiver or -Reduction Request**

**Public Interest Threshold Evaluation Form**

Date of Request: \_\_\_\_\_

Name of Requestor: \_\_\_\_\_

Requested Record(s): \_\_\_\_\_  
\_\_\_\_\_

**PUBLIC INTEREST THRESHOLD CRITERIA**

**Public Interest Threshold Criteria Evaluation**

Agencies shall consider the criteria below to determine whether waiving or reducing the costs associated with fulfilling a public records request would serve the public interest by primarily benefiting the general public.

**Public Interest:**

- |  |                                 |                                |
|--|---------------------------------|--------------------------------|
| Would disclosure of the requested information, directly impact, affect, or serve an identified interest of the general public? | YES<br><input type="checkbox"/> | NO<br><input type="checkbox"/> |
| Would the requested information, advance the welfare or well-being of the general public?                                      | YES<br><input type="checkbox"/> | NO<br><input type="checkbox"/> |
| Will the requester be able to actually, meaningfully disseminate the requested information?                                    | YES<br><input type="checkbox"/> | NO<br><input type="checkbox"/> |

**Private or Commercial Interest:**

- |  |                                 |                                |
|--|---------------------------------|--------------------------------|
| 4. Is the public benefit greater than the individual benefit derived from disclosure?  | YES<br><input type="checkbox"/> | NO<br><input type="checkbox"/> |
| 5. Is there a specifically identified purpose for which the public records are being sought that is wholly unrelated to 1) commercial purposes; or 2) actual or possible use in connection with administrative, judicial or legal proceedings? | YES<br><input type="checkbox"/> | NO<br><input type="checkbox"/> |

**Reasonableness:**

- |  |                                 |                                |
|--|---------------------------------|--------------------------------|
| 6. Is the request targeted at a specifically identified matter (meaning, not overly-broad or -complex)?  | YES<br><input type="checkbox"/> | NO<br><input type="checkbox"/> |
| 7. Can the agency grant a waiver or reduce fees without causing an unreasonable burden on agency resources?  | YES<br><input type="checkbox"/> | NO<br><input type="checkbox"/> |
| 8. Is the public interest served by disclosure greater than the burden to the agency (amount of staff time diverted to fulfilling a request and costs of subsidization)? | YES<br><input type="checkbox"/> | NO<br><input type="checkbox"/> |

**Determination/Decision:**

\_\_\_\_\_

Employee Name (Print)

Signature

Date

A yes or no determination regarding a single criterion or for majority of the criteria does not guarantee the granting of a fee-reduction or waiver. Each request will be considered on a case-by-case basis, based on the information provided by the requester and the totality of the circumstances at the time of the request.

**Exhibit C: Public Interest Fee-Waiver or -Reduction Request**

**Public Interest Threshold Evaluation Form**

**Reduced Fee-Schedule**

Agencies shall waive a minimum of 30 minutes of staff time for all public records requests after which fees may be assessed for additional staff time, applicable services and supplies required to fulfill a Public Records Request in accordance with the applicable fee-schedule below.

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 actually 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.

**Staff time**

Fees for staff time required to fulfill a PRR shall not exceed:

- **\$20/hour for Clerical** (administrative, office specialists, other support staff)
- **\$32/hour for Managerial** (Program managers, Public Information Officers)
- **\$60/hour for Professional** (Information Technology, Human Resources, High-level Analyst)
- **\$75/hour for DOJ, special attorney and other applicable legal fees.**

**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**

No additional cost considerations will be included in the invoiced amount passed on to the requester under this reduced fee structure.

**\*This fee-structure does not apply to agency-specific records with established pre-set price per record (e.g. vital records, licenses, police reports; DMV motor-carrier fees, etc.) or fees assessed for notarized/certified copies of public records.**

## Exhibit D: Statewide Reduced Fee-Schedule

### Reduced Fee-Schedule

Agencies shall waive a minimum of 30 minutes of staff time for all Public Records Requests after which fees may be assessed for additional staff time, applicable services and supplies required to fulfill a Public Records Request in accordance with the applicable fee-schedule below.

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 actually 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:

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Fees will be charged for staff time required to redact exempt information from requested public records prior to release.

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No additional cost considerations will be included in the invoiced amount passed on to the requester under this reduced fee structure.

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