

Operational Policy

Policy title:	Public Records Requests, Fees and Waivers		
Policy number:	DHS-010-010		
Original date:	06/09/2008 (DHS)	Last update:	12/18/2017
Approved:	Don Erickson, DHS Chief Administrative Officer		

Purpose

The Department of Human Services (DHS) is committed to accountability and transparency in government and strives to foster these values through the consistent, efficient and timely management of public records requests.

Description

This policy explains the procedure for making public record requests and outlines DHS' process for responding to requests and making nonexempt public records available for inspection and copying.

Applicability

This policy applies to all DHS staff including employees, volunteers, trainees and interns.

All agency employees have a responsibility to comply with state and agency policies, administrative rule, and state and federal law. The agency takes this responsibility seriously and failure to fulfill this responsibility may result in progressive discipline, up to and including dismissal from state service.

Policy

1. DHS shall make records related to DHS business available to the public for review, unless those records are specifically exempt from disclosure.
 - a. Most exemptions to the public records law are in ORS 192.501 and ORS 192.502. Additional exemptions are found in program specific statutes and federal law.
 - b. The agency does not request responsive records from partners, business associates, or contractors.
2. DHS shall make requested records available as soon as practicable and without unreasonable delay. The time needed to make the requested records available will depend on, but is not limited to, the following factors:
 - a. The time required to gather, review, and redact records responsive to requests.
 - b. The type and number of records requested, the amount of review required and the staff available to do the work.
3. A complete request for records includes:

- a. A description of the records sufficient to allow the agency to determine where the records are held, including the type of records, subject matter and approximate date the records were created.
 - b. Contact information for the requester: name, email address and telephone number of the person or organization requesting the public records.
 - c. If requesting records about a DHS client or information in a client file: a completed MSC Form 2099 (Authorization for Use and Disclosure of Individual Information to someone other than the individual whose information is requested) or MSC Form 2093 (Request for Access to Records if disclosure to the individual whose information is requested).
 - d. The format in which the requester wants to receive the records. If the public record is not available in the requested format, the record may be provided in the format in which it is kept by DHS.
4. Requests for public records held by DHS may be submitted to:
- a. www.oregon.gov/DHS/Pages/RecordRequests.aspx
 - b. To the local branch office: Case records, whether released directly to you (Form 2093) or authorization to send the information to someone else (Form 2099).
5. DHS will follow specific timelines and processes for responding to requests for records.
- a. Except in instances listed in subsection (e), within five days of receiving a request, DHS will provide written acknowledgment of the request and inform the requestor whether or not the agency is the custodian of the records, or whether it is uncertain if the agency is the custodian.
 - b. Except in instances listed in subsection (c) or (e), within 15 days of the receiving the request DHS will provide the public records, or state in writing that the request is still being processed and, based on the information currently available, provide an estimated date of completion.
 - c. The 15 day deadline in (b) is suspended if:
 - A. In good faith, DHS requests additional information or clarification regarding the public records request and until such time the requester provides that information or declines to do so; or
 - B. If DHS provides an estimated fee to fulfill the request, until the fee is paid or waived; or
 - C. Subsection (e) applies.
 - d. For DHS, most records requests are complete within 30 days, however large requests may take longer depending on the volume and complexity of the records requested, as well as the complexity of the search.
 - e. The 5 day deadline to acknowledge a request and the 15 day deadline to complete the response do not apply if compliance would be impracticable because:
 - A. The staff needed to complete the response are unavailable, including being on leave or otherwise not scheduled to work;
 - B. DHS' ability to perform other necessary services would be demonstrably impeded; or
 - C. The volume of other records requests being processed by DHS makes the deadlines impracticable.
6. DHS may charge fees reasonably calculated to reimburse the agency for the costs actually associated with gathering, reviewing and redacting records. DHS may also furnish copies without charge, or at a substantially reduced fee, if doing so is in the public interest. Requesters may ask that the agency waive or reduce such fees by submitting a request for a fee waiver or reduction.
- a. DHS charges fees and assesses waiver requests in compliance with Oregon Department of Administrative Services standardized requirements.

- b. Fees may not be avoided by submitting numerous, small requests.
- c. DHS may require that requesters pay fees prior to the review of records for release.

References

[ORS 192.410 to ORS 192.607](#)
[DAS Statewide Policy 104-001-030](#)

Forms referenced

[Request for access to records](#) (MSC 2093)
[Authorization for use and disclosure of information](#) (MSC 2099)
To access other languages visit:
https://aix-xweb1p.state.or.us/es_xweb/FORMS/

Related policies

DHS- 010-010-01 (Rescinded)
DHS-010-010-02 (Rescinded)
[DHS|OHA-010-018 Records Retention and Management Policy](#)
[DHS|OHA-010-018-01 Records Retentions Guidelines](#)

Contact

DHS.RecordsRequest@dhsoha.state.or.us

Policy history

Version 1 06/09/2008 (Department of Human Services)
Version 2 12/18/2017

Keywords

Data, data request, fee, fee waiver, information request, public records, public records request, release of information, waiver

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