

Fees and Waivers for Public Records Requests

Oregon Department of Environmental Quality

April 22, 2022

Public Records Advisory Council Legislative Subcommittee

About Oregon DEQ



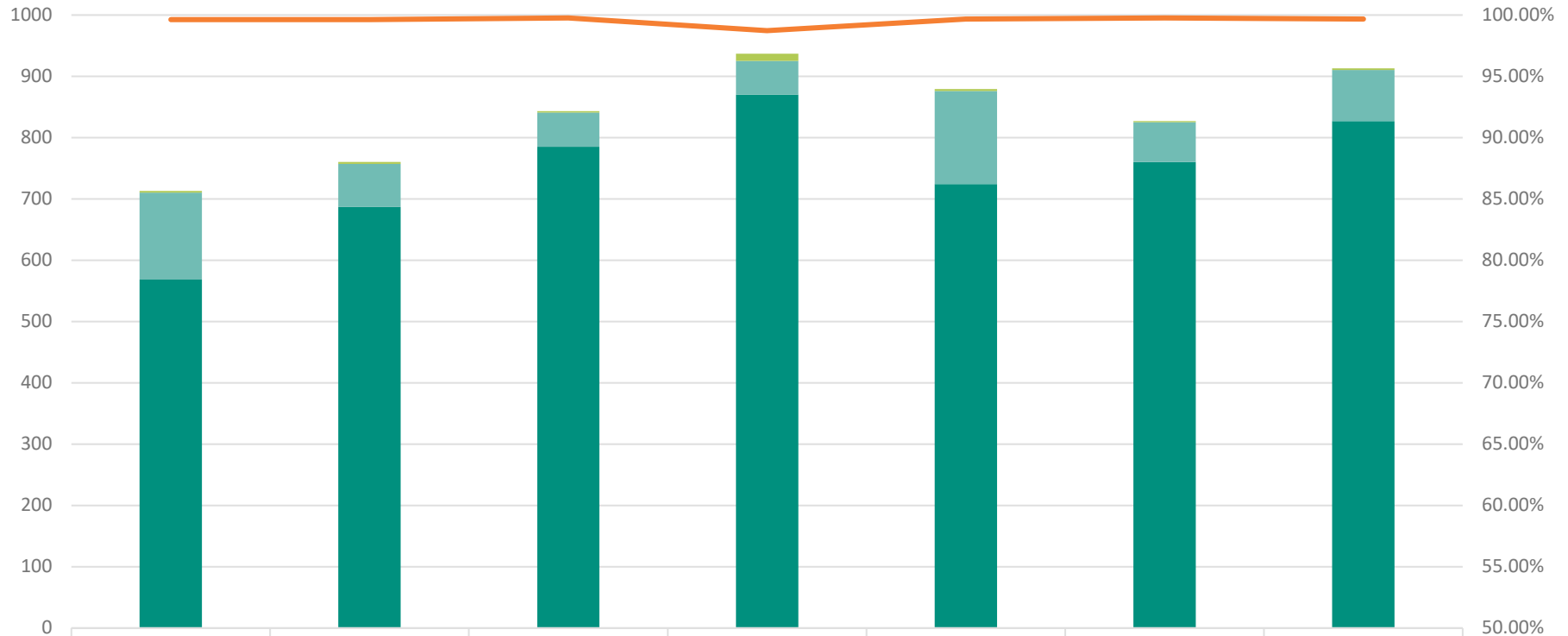
State of Oregon
**Department of
Environmental
Quality**

**DEQ's mission
is to be a
leader in
restoring,
maintaining
and enhancing
the quality of
Oregon's air,
land and
water.**

- State agency, budget and fee-funded
- 700+ employees in nine offices
- Hundreds of programs, including:
 - Vehicle testing
 - Permitting and compliance
 - Environmental monitoring
 - Cleanup and spill response
 - Recycling (and beyond)



Public Records Requests at DEQ



Not compliant	3	3	2	12	3	2	3
Over 15 but compliant	142	70	56	55	152	65	83
Under 15 business days	568	687	785	870	724	760	827
%Compliant	99.63%	99.61%	99.75%	98.72%	99.66%	99.76%	99.67%



DEQ's Fee Schedule

	Fee schedule hourly rate	DEQ actual hourly range
Clerical	\$25	\$21-26
Professional	\$30	\$26-56
Managerial	\$30	\$41-87
Attorney	\$159	\$242 (DOJ)

- Adapted from DAS Schedule (charge whichever is lower)
- Charge actual vendor costs for scanning (~4.5 cents/page)
- Waive first 30 minutes (or more) = 140 hours per month free
- Costs billed back to programs
- Fees used to pay for software

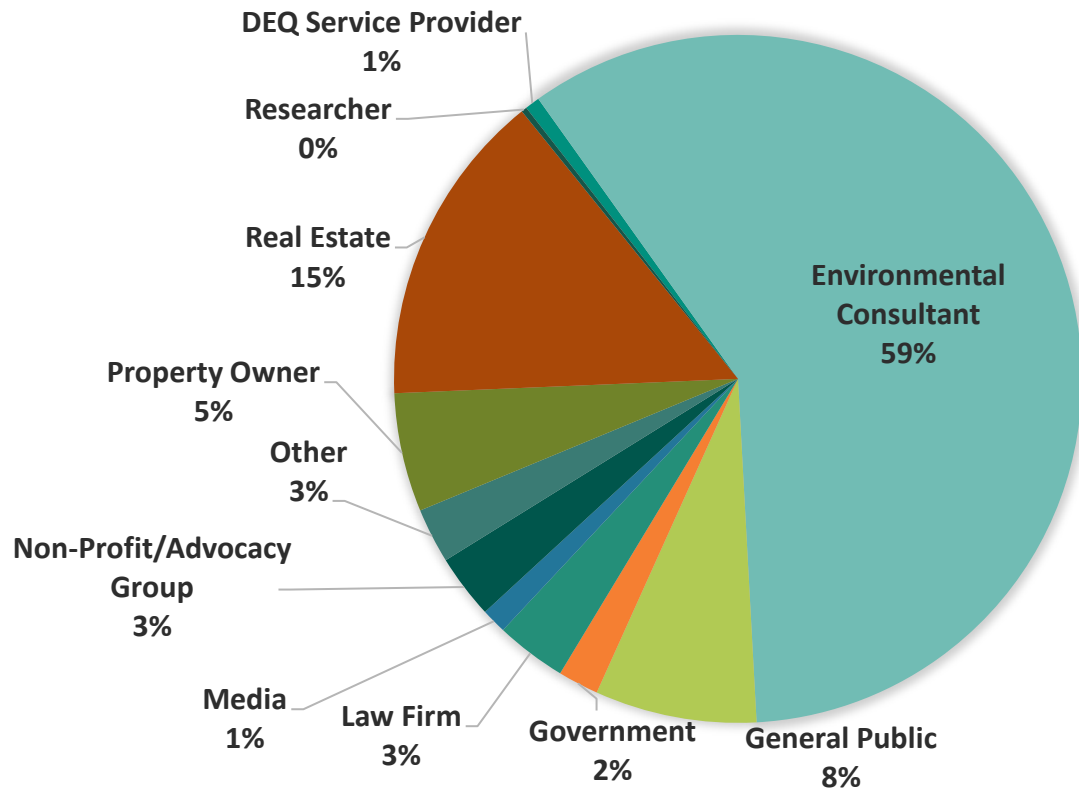
Fees collected July 2020 – March 2022

Total number of requests:	5,751
Number of requests with fees:	178 (3%)
Total fees collected:	\$41,829.32
Average fees collected per month:	\$2,092
Average days open (all requests):	12.38
Average days open (requests with fees):	36.53

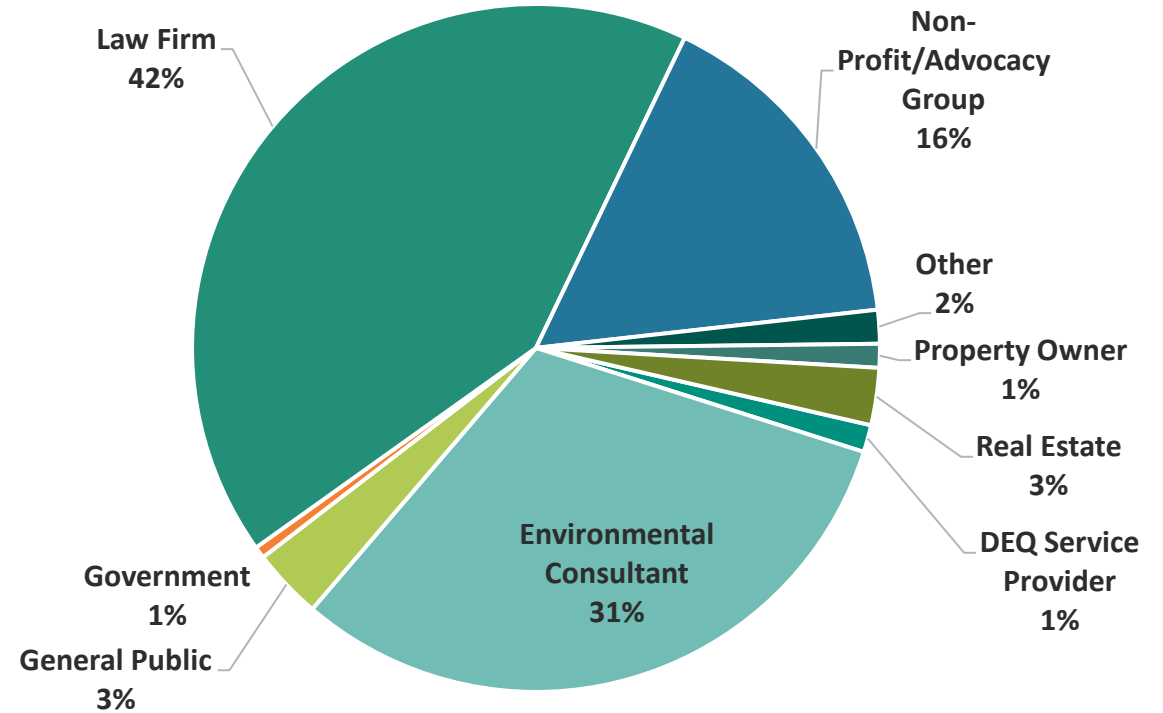
- Requests with fees take longer:
 - Broader scope
 - Clarification needed
 - Multiple offices/departments
 - Manager/legal review required
- Provide estimate before starting work
- Work with requesters to narrow when possible

Fees by requester type

BY NUMBER OF REQUESTS

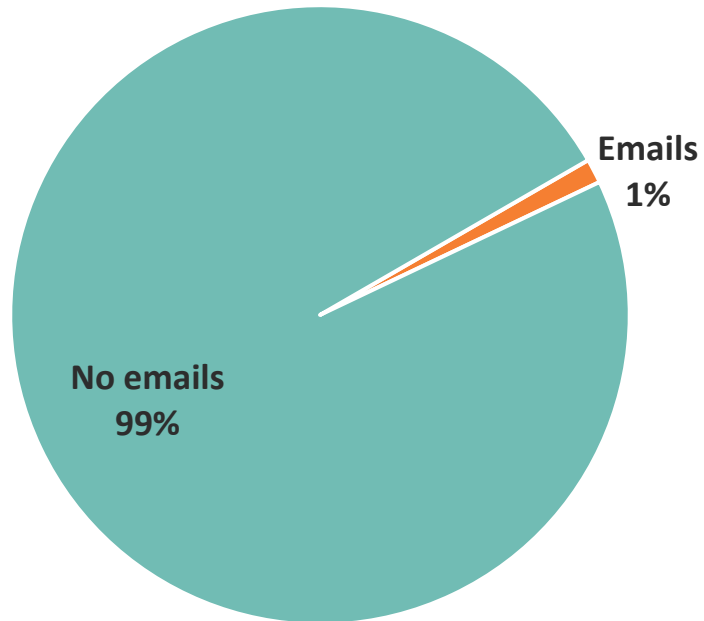


BY PORTION OF FEES

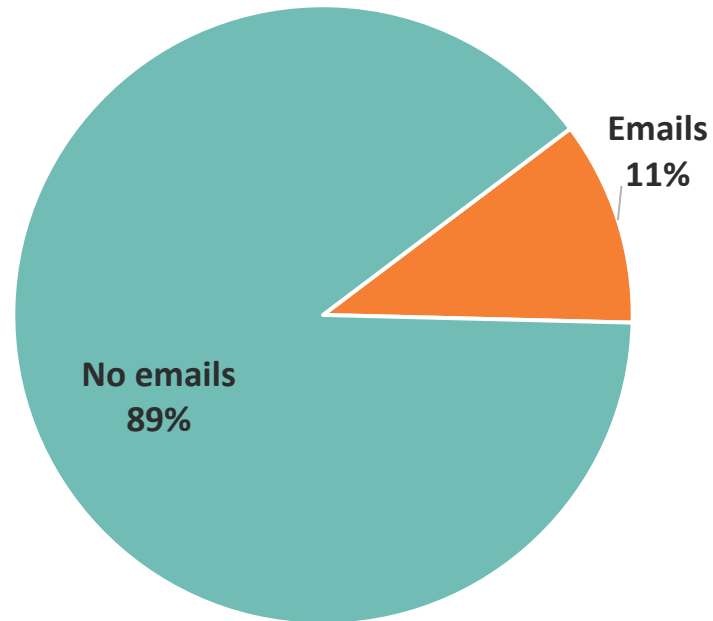


Requests for Email

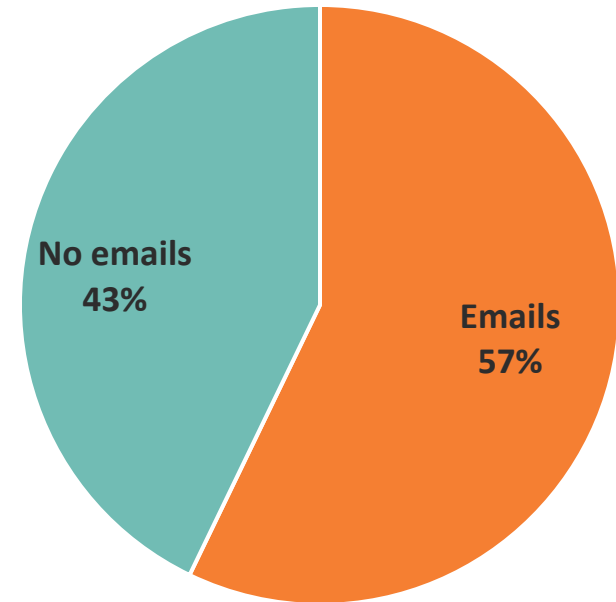
Overall Requests



Requests with Fees

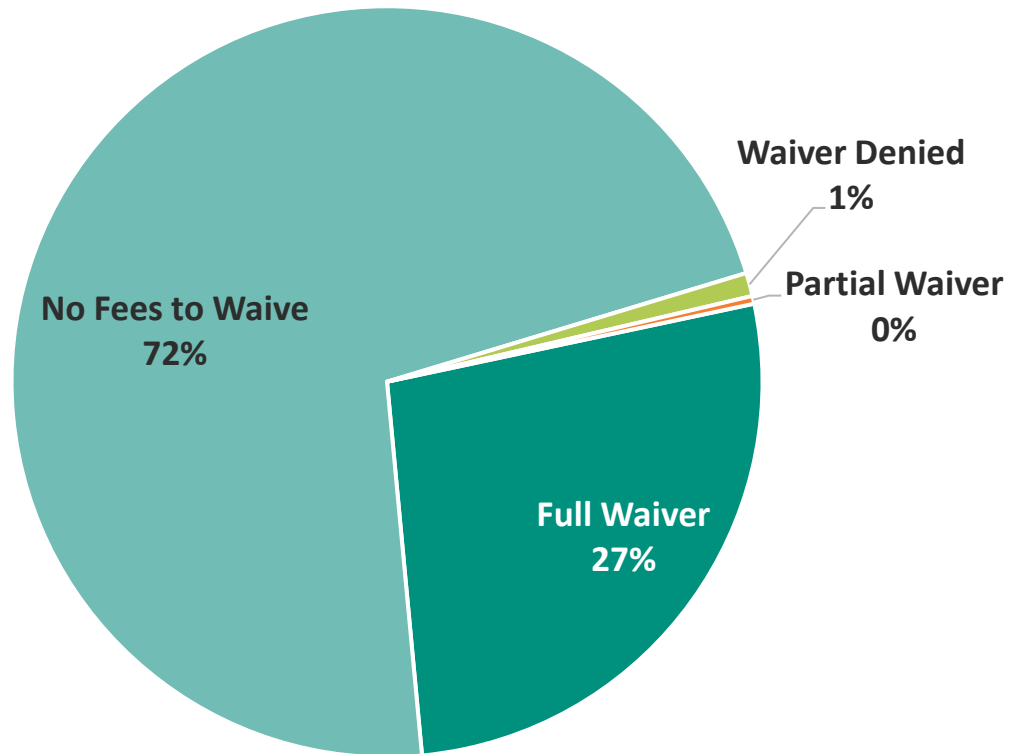


Portion of Fees Charged



Fee Waivers

DEQ Fee Waivers July 2020 - March 2022



Waivers requested:
298

Total Fees Waived:
\$18,440

Average Waived/ Month:
\$922

Fee Waiver Application Process

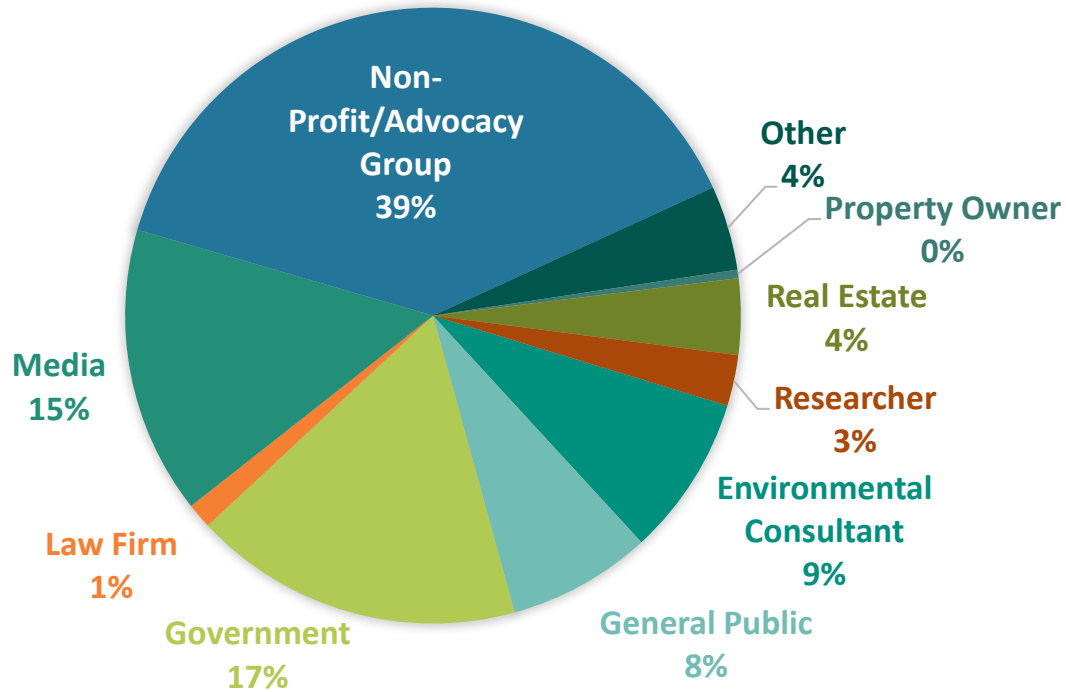
- 1) General background/mission information on requesting individual/ group/ organization as this information relates to public record requests from the DEQ
- 2) Purpose for which the requesting party intends to use the information/records requested
- 3) Specific ability (and plans) of requesting party to disseminate the information to the general public
- 4) Explain how dissemination of the records/information requested will benefit the general public
- 5) Any other information that requesting party feels would be valuable in evaluating fee waiver/reduction request

Waiver Review Process

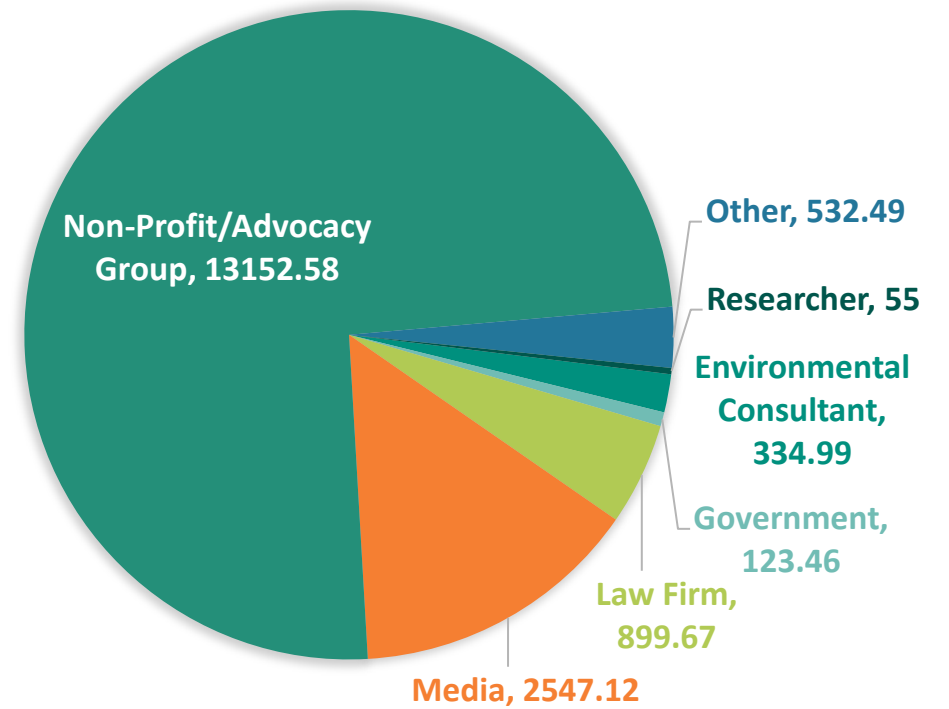
1. Would disclosure of the requested information, directly impact, affect or serve an identified interest of the general public?
2. Would the request information, advance the welfare or wellbeing of the general public?
3. Will the requester be able to actually, meaningfully disseminate the requested information?
4. Is the public benefit greater than the individual benefit derived from disclosure?
5. Is there a specifically identified purposes 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?
6. Is the request targeted at a specifically identified matter (meaning, not overly-broad or complex)?
7. Can the agency grant a waiver or reduce fees without causing an unreasonable burden on agency resources?
8. Is the public interest in disclosure greater than the burden to the agency (amount of staff time diverted to fulfilling a request and costs of subsidization)?

Waivers by Requester Type

WAIVER REQUESTS BY REQUESTER TYPE



WAIVER AMOUNTS BY REQUESTER TYPE



Observations

- Modernization projects like Your DEQ Online will greatly increase public access to records
- Digitization of legacy records reduces requests— but it's not cheap!
- Not all records can be posted online due to privacy and other exemptions
- Explosive growth of digital content
- DEQ dedicates considerable resources for PRRs without dedicated funding



1GB electronic data = 167 file boxes