

Cost of public records access in Oregon

Issues of Concern/Problems to solve

Based on testimony and research of the PRAC Legislative Subcommittee, 2021-22

Concern/Fear/Issue raised (Problems)	Affected parties	Possible solutions
<p>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.</p>	<p>Public employees. Public record custodians across the board – agencies, employees – take a lot of time, resources Public/affects resource allocation if busy with records requests. Limited resources Requestors – if fees are a leverage, requestors are affected.</p>	
<p>2. Even after partial fee waivers, the price of accessing public records can be a significant barrier.</p>	<p>news organizations. Particularly smaller news organizations. individuals and non-media public-interest oriented organizations. General public/voters (anytime fee is a barrier) oversight and change through voting. Public employees through unions requests.</p>	
<p>3. Fees, cost estimates, and interpretation of “the public interest” to justify fee reductions vary widely, leaves significant, sometimes too much room for interpretation by public bodies, as does the methodology or</p>	<p>Media – “independent third oversight” – feels like too much discretion. Everyone who request records Public bodies are affected by the vagueness, by needing to take responsibility of interpreting the statute.</p>	<p>Possibly more accountability in making the decision to alleviate the discretion. May need better definitions, ie of public interest. Clarify statute so public bodies have better guidance.</p>

<p>justification agencies use to make these determinations.</p>		
<p>4. Interpretation of public interest is vague in current law, forcing public bodies to make decisions without adequate guidance.</p>	<p>Public bodies are affected by the vagueness, by needing to take responsibility of interpreting the statute.</p>	
<p>5. The fee appeals process is ineffective.</p>	<p>District attorneys Requestors – DA has no authority to compel Public bodies (must sue immediately/no time to negotiate) Courts – the process is shifted to them</p>	<p>(Concern about revising appeals process is not cost related)</p>
<p>6. It takes an excessive amount of time and resources to review documents - emails in particular - for non-releasable information.</p>		
<p>7. It is sometimes difficult to determine which public body, or which section of one large agency, holds what records.</p>		
<p>8. Fees don't cover true costs of responding to records requests</p>		
<p>9. People responsible for responding to public records requests often have other more primary duties. For example, the chair of a</p>		

<p>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>10. Some public bodies have limited budgets for routine good public record management practices, such as legal reviews.</p>		
<p>11. 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>12. Some public bodies see responding to public records requests as a distraction from their core mission.</p>		
<p>13. Defining media for the purposes of interacting with government is not</p>		

appropriate in a democracy.		
14. The public records law too often serves as only access to people whose individual needs in a specific circumstance may be different from general public needs.		
15. Changes to law could shift costs in an unfunded way.		