



To: Public Records Advisory Council Legislative Subcommittee Speaks to Page 5
From: Todd Albert, Public Records Advocate
Date: June 14, 2022
Subject: First draft of ideas to reform how costs are assessed and collected under the Oregon Public Records Law ([ORS Chapter 192](#))

I. LC/BILL: needs narrow relating clause

From my own experience in Oregon by allowing an entity to determine and set/charge fees, those charges can be manipulated to make the request not feasible to the requestor thereby eliminating The Right of. In my case I was charge \$ 10.75 for 6 pages: 90 cents per minute for 15 minutes; was given a form that cited a wrong ORS Code (renumbered) and the response time to the request was wrong. This was technically a personal & public record - subject to "waiving" - Attached at end

II. GOALS

Goal 1 should be all gov entities must have a data records system before being able to charge a fee.

- Reduce costs for requesters;
- Preserve the ability of public bodies to charge fees and determine when to offer fee waivers or reductions;
- Improve and increase communication between records custodians and requesters as normal part of public records request and disclosure process;
- Clarify terms and processes; plain meaning of the word - that the standard the courts use; then legislative intent
- Incentivize public body leadership to better fund public records systems/staff, etc.; and
- Respond to feedback from District Attorney’s Association

III. FEES

(A) Establishing costs

- Revise [ORS 192.324\(4\)\(a\)](#):
 The public body may establish fees reasonably calculated to reimburse the public body for **up to** the actual cost to **search, duplicate and review** public records for the purpose of making them available upon request. No other fees may be established.
 Revision: If we adopt tiers as proposed in section B below, it would be important to note this here. Like this: “...up to the actual cost to search, duplicate and review public records for the purpose of making them available upon request, **depending on the request type defined in Section B.**”
 - Must waive at least the first x (30?) minutes (may combine requester’s requests over x amount of time (30 days?) to consider as “one” request for this purpose)
 - Must waive first x amount of pages (100?) (may combine requester’s requests over x amount of time (30 days?) to consider as “one” request for this purpose)
- When determining up to actual cost, should ORS chapter 192 define hourly rate at all and, if so, as based only on salary or salary + benefits? if a dedicated FTE records processor + benefits; if not, salary (hourly wage)
- No fee to transfer records electronically. Agree
- May charge fee for actual cost of external media (e.g., flash drives). Agree - but requestor may supply own
- A deposit in an amount **not to exceed 25% of the estimated cost** of making requested public records available may be demanded at the time a fee estimate is provided if the public body provides along with a fee estimate:
 - (1) An inventory of responsive records and asserts any exemptions from disclosure that the public body believes apply to any requested records; and



(2) If the public body cites [ORS 192.355 \(8\) or \(9\)](#) as the basis for an exemption, identifies the state or federal law that the public body relied on in asserting the exemptions along with the fee estimate.

This is the only way in which a public body may demand a deposit.

- The public body may close the request after making a demand for a deposit if:
 - (1) The requester does not accept and pay the required percentage of the estimated fee within 60 days; or
 - (2) The requester **does not negotiate in good faith** with the public body to reduce the proposed fee after a fee estimate has been provided. → This is a two-way street
- Paper records
 - No charge for up to x pages (100?) (may combine requester’s requests over x amount of time (30 days?) to consider as “one” request for this purpose).
 - After that, set amount per page (e.g. like other states or at 25 cents per page as per OR counties/[ORS 205.320\(1\)\(d\)\(B\)](#)). jurisdictional and home rule issue: Cities are within the county and can be used for adding additional fees under guise as "a county surcharge"
- (B) **Requester tiers – charging requesters based on who they are**
- Requester tiers for charging up to actual cost:
 - Commercial: document search, duplication, and review.
 - Media is not commercial.
 - Media, public interest (affects community, requester has platform to disseminate), educational, non-commercial scientific institution: duplication.
 - General: search and duplication.
 - However, may only charge up to the actual cost of duplication for in-person inspection of records.

Comment: My first choice would be to combine the second and third categories and charge them only for duplication

It takes time and resources for a requester to make the case that a request is in the public interest. It takes time and resources for a public body to agree or disagree. And ultimately it’s a highly subjective decision. A public body that wishes to withhold documents can say no without providing a justification, and the requester has no ability to appeal the decision to an independent party. Better to follow the approach taken by states with less revenue than ours (Connecticut, Oklahoma and Kentucky): Limit fees for all non-commercial requests to duplication costs, and create processes for public body relief in onerous cases.

If we instead follow the FOIA model as Todd has proposed, we will have to address the definition of news media, which some committee members say should be narrow. Some journalists have balked at the defining who qualifies in because it resembles a form of government licensing of the press, which runs counter to the First Amendment. But the First Amendment does enshrine “press” as special. Federal FOIA offers one definition of news media [5 USC 552 \(4\)\(A\)\(i\)](#). Oregon’s reporter shield law (ORS 44.510 to 44.520) also

good faith ← negotiations



defines news media clearly, and the courts -- for better or worse -- have interpreted the definition narrowly. There is precedent.

If I cannot persuade my colleagues to support a waiver of search and review costs for all non-commercial requesters, I would propose the following definition of news media under Todd's proposal. "An individual or organization primarily engaged in the gathering and dissemination of news for the general public." The phrase "primarily engaged in" cuts out non-profits, companies or political groups that publish newsletters for members. "General public" tends to reinforce this. Alternatively, we could simply point to ORS 44.510. Whatever definition we choose will upset someone.

(C) Additional requirements

- o For each category of records response preparation (search, duplicate, review) public body must utilize lowest class & comp staff member available capable of processing request.

Add bullet:

- o Public body must provide written estimate of costs prior to collecting fees, and estimate must itemize labor hours, number of employees assigned, and pay rates for each activity: search, duplication and review. Where possible, the public body should conduct a test run on a single record to provide realistic estimate of time involved in search. These results should be shared with requester.
- o No fee for a public body to provide fee estimate.
- o No fee for requester's own files or records. Agree
- o No fee if public body exceeds 15 business days to complete a request unless the public body has communicated an updated time estimate to requester.
- o No fee if routine collection and processing of the fee is likely to equal or exceed the amount of the fee.
- o Public body may remove redundant electronic records (like deduping in discovery) at no cost to requester if process is agreed to by requester. Requester may request to receive duplicate records at the appropriate cost.

Proposed addition: "remove redundant or non-responsive electronic or paper records"

- o Expand ORS 192.329(4):
 - (a) For requests for email, structured data, and metadata, public body to work with requester to establish record custodians, timeframes, key words/search terms and to provide data dictionaries where applicable. Where public body has appropriate search technology, the public body is obligated to provide all available, non-confidential metadata and field definition information for requester to understand names, titles, field listings, definitions of those fields, terms, headings, systems, processes, forms, etc. relevant to request.

Comment: I continue to believe that recordkeeping/database systems built with disclosure in mind can greatly reduce costs, and the past year has shown widespread support in the PRAC for Transparency by Design principles. Because the committee did

For the Requestor to "know" exactly What Record, the entity must first have a file structure that identifies WHAT records are free under public information: Agenda Packets - free (must be available on website and items grouped by subject category under a separate menu and include that underlining supporting documents eg: consultants reports.)

Elected's Written Comments - posted. Budget, Audit Report Quarterly Reports Emails prove a little more difficult - one email can have multiple subjects and if an elected breaks down one subject per email that elected can be accused of harassment, interfering with performance of job, not subject to considering that elected inquiry under guise of "take orders from city council" - not you.



not have time to delve deeply into Transparency by Design legislation but generally supports the concept, I think there's an opportunity here to advance the cause.

Where is Jane/
John Q Public

Transparency Task
Force other than
those currently
sitting on PRAC
- would stop
stagnation

I recommend we propose a Transparency by Design Task Force that would report back to the Legislature by June 2024, in time to draft legislation. The task force would consist of the state Chief Data Officer, the State Archivist, a state IT procurement officer, a city or county IT planner, a person from the tech industry, a civic data representative, a member of the news media and lawmakers from House and Senate chosen by each party. Its mission: "Provide a list of recommendations for legislation, policy changes and innovations in the procurement process that would promote adoption of records management systems and practices that simplify disclosure of public records. The task force is asked for proposals that would, for example:

GOAL 1



- Make it easier for requesters to understand the contents of a database;
- Ensure new database systems enable a government layperson to export records as a standard feature, without specialized programming knowledge
- Promote segregation sensitive personal information from disclosable information, both in structured databases and in documents such as email"

60-day time frame to close request due to non-responsive requester after public body request for clarification does not begin to run for the types of records requested in (a) until public body has offered to establish the categories of information denoted in (a).

(b) Requester is obligated to communicate in good faith with public body for the types of records requested in (a) to establish the categories of information denoted in (a). Otherwise, public body may close request after 60 days.

Small cities that cannot afford detailed Ordinances/Muni Code yearly revisions bootstrap OAG's Model Codes. Posting a Public Records Request Form online should not be use as a side step for actually having a Public Records Policy with identifiable billable time, cost per page (hard copy - not electronic transmission); cost of recordable media (zip sticks, cd's. . .); set cost per page; a set single billable cost per hour broken down into 10 / 15 intervals; no oversight charge (review by cao or supervisor) otherwise the employee hourly wage fulfilling the request and the oversight charge could amount to abusive cost additions

Expand ORS 192.324(7) to include that a public body must post their public records policy on website (if they have one) as well as being required to post it "publicly". Also, a public body is not permitted to recoup costs from a requester if how the amounts of and the manner of calculating fees is not in policy and policy is not posted.

Fees may be recouped for request that does not disclose responsive records, except: No fee may be charged for a record request that does not disclose responsive records if the public body and requester engaged in good faith in the process described in the expanded ORS 192.329(4).

IV. FEE WAIVERS AND REDUCTIONS

Comment: A major difficulty in Oregon's current approach to the public interest test is that the public body alone gets to choose: a) what constitutes the public interest and; b) whether the public interest compels a waiver. ORS 192.324(6) does say that a requester may appeal a denial of fee waiver to the DA or AG just as with a denial of access to records. However, the DA and AG lack the authority to compel a fee waiver in the public in the way they can order the disclosure of records. That is because ORS 192.324(5) says a public body "may" provide a waiver if disclosure benefits the public.

see attached herein spreadsheet

Add bullet:



See Comment
1st Page

- Amend ORS 192.324(6) to say that, 192.324(5) notwithstanding, AG or DA shall issue an order of partial or total fee waiver if requester demonstrates that the waiver primarily benefits the public. The AG or DA's determination will weigh the benefits of disclosure against any impact that a fee waiver would have on the delivery of other public services.

Further discussion: This proposal is one way to preserve the public body's discretion at the outset while providing a binding third-party review afterward. An alternative, rather than saying "192.324(5) notwithstanding," would be to also amend 192.324(5) itself. It would repeat the language in the bullet in 192.324(5), saying that the public body "shall" grant fee waiver if granting the waiver primarily benefits the public, after considering both benefits of disclosure and impact on delivery of other public services.

Agree and should also stipulate a poverty level for mandatory waiver

Agree in theory but in real world could set up requestor for being manipulated - several different subject matters would have several separate & distinct specific requests

- List factors for determining when to waive or reduce fees as "including but not limited to ...", e.g., community affected, ability to disseminate to that community, # of requests by requester over specified amount of time, etc.
- If (1) requester is a member of the media, (2) public body determines request is in the public interest, or (3) for any other reason of the public body's choosing and public body has at least one full or principally dedicated FTE for processing public records requests:
 - Public body shall waive or reduce fees by at least 25%.
- If (1) requester is a member of the media, (2) public body determines request is in the public interest, or (3) for any other reason of the public body's choosing and public body does not have at least one fully or principally dedicated FTE for processing public records requests:
 - Public body shall waive or reduce fees by at least 25% if request does not exceed certain level/scope; and
 - Public body may waive or reduce for all other instances.

No bootstrapping employment title: eg: Office Manager/City Recorder or CAO/Human Resource Manager. Must also possess the necessary job equivalent experience and education

Clarity must be made so entities do not use the increased appeal time as a means to deny the request. Consideration and clarity needs to be drawn with respects to certain statutory time frames eg: recalls - there is a 5 day statement of justification time frame - presuming there are others.

V. EXPAND PUBLIC BODY TIME TO APPEAL

- Amend ORS 192.411(2) to increase time period from 7 calendar days to 10 business days to give public bodies more time to negotiate disposition after adverse DA/AG order rather than being compelled to file a lawsuit against the requester to preserve its rights.

VI. EXPAND DA/AG TIME TO ADJUDICATE A PUBLIC RECORDS APPEAL

- Amend ORS 192.411(1) and ORS 192.418(1) from 7 calendar days to 15 business days.

VII. ROUND 2 LEGISLATION?

All of these seem to have good support on the committee. What if, separate from a legislative concept for LC, we present a report to the Legislature that includes these elements as recommended future actions?



1. Organization and accessibility of records

See my recommendation for a task force above

2. Centralized funding/state-administered grants

I think we could try for this right now. Here are some ideas we could try if there were consensus:

- Require by law or request by policy that DAS and Leg Fiscal include line items for public records processing costs in each state agency budget. Or create a pilot project to do so.
- Remove the "actual cost" limit for fees on commercial requesters, so that public bodies could recoup other costs associated with records management (including answering requests from non-commercial requesters).
- Impose a statewide surcharge on commercial records requests for centralized "Oregon Transparency Fund." I examined fees collected from title companies, insurers law firms, credit rating agencies and data mining companies by Portland police, the Oregon Judicial Department, the Oregon Corporations Division and Multnomah County Assessor. The total from these sources alone is about \$3.6 million – and many, many more examples exist.
- Dedicate a portion of lottery funds to the Oregon Transparency Fund, through constitutional referral. Just .3% would raise \$2.5 million annually.

3. Centralized records officers for small public bodies at state and local levels

Offering this centralized service coordinated through a state agency is highly desirable. I'd also love to discuss a requirement for public bodies, based on annual request volume or budget size, to be required to employ a full-time records officer.

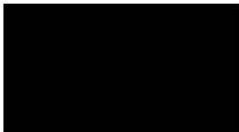
4. ADDITIONAL RECOMMENDATION: Digitization incentives

We should add as a recommendation to the Legislature that it create a grant program for local governments to digitize paper records and place them online, whether it's through an Oregon Transparency Fund or separate. This could be administered by the State Archivist. We can note the tremendous reduction in records requests achieved by DEQ. An entity can choose not to use the Incentive thereby skirting placing the records online. Mandatory as part of government transparency puts teeth into compliance and the incentive: reduction in revenue dollars (grants/ ad valorem) . . .

GOAL 1:
Set Statewide centralized fee charges: A person from the south could make a request in the north and know exactly HOW much can be charge. Not perfect by any means but does provide statewide transparency and places every one on even footing

? Isnt this a function of the State Archivist

Pretty much all records are in electronic form except when public drops off paper. Offering an Incentive vs Making Mandatory are two different things. government transparency puts teeth into compliance and the incentive: reduction in revenue dollars (grants/ ad valorem) . . .



PUBLIC RECORDS REQUEST

Name: _____ Phone #: _____

Address: _____

I request: inspection / copies of the following records in your office: (please be specific)
(circle one)

I understand that every person has a right to inspect any public record of a public body in this state, except as otherwise expressly provided by ORS 192.501 to 192.505. Further, I understand that fees will be charged to reimburse the City for its actual cost in making the records available. Such calculation may include staff time, costs for summarizing, compiling, or tailoring a record to meet my request. Copies of large documents are sometimes taken to a commercial copy business. For those documents the fee will be actual cost plus staff time. I hereby request that the City of Drain Records Officer produce, as best to their ability, the records specified above. Payment in advance is required for charges estimated to be over \$25.

Signature of Requestor _____

Date of Request _____

FOR OFFICE USE ONLY

The City shall provide written response to this information request within seven (7) calendar days (ORS192.465(2)).

- The City is not in possession of the requested records; SEL 307, SEL 349
- Further information is required to clarify the request. Please provide the following:

SEL 351 - CANNOT COPY

- Copies of the requested records are attached. SEL 222, PC7, SEL 339, SEL 350 (PREVIOUSLY PROVIDED)
- The City is in possession of at least some of the requested records. It will take approximately _____ to provide the records. The estimated cost is \$ _____
- It is uncertain that the City is in possession of the records. It will take approximately _____ to search for the records.
- The public records requested are exempted from public disclosure under state and/or federal law, per ORS 192.410 to 192.505.

Information compiled by: _____ Date completed 6/13/2022

Number of copies made	<u>4</u> x \$.25/sheet	= \$ <u>1.00</u>
Consultant hours	_____ x \$ _____ /hr. (_____)	= \$ _____
Number of audio media made	_____ x \$7/each	= \$ _____
Staff time at \$36/hour x _____ hours	<u>15 MIN x .90</u>	= \$ <u>9.00</u>
Other charges:	_____	= \$ _____
Total amount due:		= \$ <u>10.00</u>

Costs for copies of documents are specified by City Council resolutions and ordinances as allowed by ORS 192.440(3)

SEE REVERSE SIDE FOR PUBLIC RECORDS REQUEST PROCEDURE.

PROCEDURES FOR PUBLIC RECORDS REQUEST

1. Complete and return the Records Request form with as much detailed information as you can. For City Hall records, return this form to City Administrator [REDACTED]
2. The request will be stamped with the date and time received.
3. The City will provide a written response to **your request within seven (7) calendar days** but may also provide a verbal response to your request within less than seven (7) calendar days which includes an estimated time to review and may include a cost estimate. Confirmation **MUST** be received that you want the City to proceed with your request. Estimates over \$25 will be paid in advance. If payment is not received within 30 calendar days of notification to the requester, the request will be considered withdrawn.
4. If you are inspecting records at City Hall, a place will be provided for reviewing the files. Any pages to be copied should be marked **ONLY** with sticky notes provided by the City.
5. When your inspection has been completed, return all files. If staff is available, the copies will be made available at that time. If staff is not available to copy the requested pages at that time, a timely estimated date of completion will be provided; and you will be called at the phone number on this form once staff has had time to copy the requested pages.
6. If more than one person wants to look at files at the same time, reservations must be made in advance for a reviewing room. The staff time fee will be charged to cover a staff person's time for remaining in the room with the files.

The Office Recorder according to the April 2022 Agenda Item "Pay Increase Non Union" currently receives \$ 24.00 per hour. One hour can be broken down into:

4 increments of 15 minutes or .25(15), .5(30), .75(45), 1.00(60)

6 increments of 10 minutes or .16(10), .33(20), .5(30), .66(40), .83(50), 1.00(60)

12 increments of 5 minutes or .083(5), .16(10), .25(15), .33(20), .4167(25), .5(30), .583(35), .66(40), .75(45), .83(50), .916(55), 1.00 (60)

.25 or 25 cents per page with (6 on 06-13 and one on 06-10) 7 pages copies = 1.75

\$ 24 / 4 (15 min) = 6.00 or \$ 24 x 25% = \$ 6.00

Total is \$ 7.75 based on the formula of 25 cents per page and 15 minutes of hourly wage of the City Recorder

If the cost per page is .25 + .90 cents = 1.15 x 7 = \$ 8.05

If the cost is based on hourly of both the City Recorder (\$ 24.00) plus the CAO offered salary of \$ 80,000 / 2080 hours = \$ 38.46

\$ 24.00 + 38.46 = \$ 62.46 / 60 minutes = \$ 1.04 per minute = 15 minutes x \$ 1.04 = \$ 15.60

If the .90 is minute calculation based upon a 60 minute hour, this would lead a person to believe that approximately 55 minutes was spent
If each minute was being billed at 90 cents per minute that would be \$ 13.50 + \$ 1.75 = \$ 15.25

	A	B	C	D	E	F
1	Department/Agency or Legal Opinion		Public Interest Issue		Public Interest does not include	
2	<i>personal ideology</i>		<i>PUBLIC INTEREST is any aspect, concept, matter, identified within a body politics' constitution, charter, articles of incorporation, is a matter of public interest concept under right to know; redress, due process. It might be easier to state what a public interest for records request purposes, is not and will be denied - this could require a concise statement within the request law so as to avoid 'abusive' fee charges, removes discretion and provides transparency.</i>			
3						
4						
5	<i>Black's Law Dictionary 6th Edition: Pg 1229</i>		standardized definition:			
6	<i>Russell v Wheeler 165 Colo 296, 305 (1968)</i>		Something in which the public, the community at large, has some pecuniary interest, or some interest by which their legal right or liabilities are affected. It does not mean anything so narrow as mere curiosity, or as the interest of the particular localities, which may be affected by the matters in question. Interested shared by citizens generally in affairs of local, state or national government <i>A public interest is an interest shared by citizens generally in the affairs of local, state, or national government. (305)</i>			
7						
8	<i>Belenski v Jefferson County - a political subdivision of Washington State</i>		county employee Internet Usage Data logs - meta-data			
9	<i>- No. 92610 (2016) slip</i>					
10	<i>Wilson In Re: Oregon Advocacy Commission Office DOJ File 131001-GA0084-13 (2013)</i>				Records or information that if disclosed would allow a person to • • • [d]isrupt, interfere with or gain unauthorized access to public funds or to information processing communication or telecommunication systems including the information contained in the systems that are used or operated by a public body	
11						
12	<i>OHA, DHS, Children's Protective Services, Victims of Crime, Police Department, Fire Department, water districts, ODOT</i>		broad, general, non-personal identifiers, bulk statistical (e.g. SARs-Covid-2, crime statistics , , , ,) not detailed internal operations		specific personal/ & personnel information related to health/medical, on going investigations inclusive of those key players (undercovers/ informants/DA/DOJ), matters dealing with minors, abuse victims & victims of crime: names/address/ safehouse-shelter locations/ new identity, in some cases fire department trip logs and or fire access roads, chemical/ water treatment facility locations/ open reservoirs; transportation routes for hazardous material e.g. nuclear waste - national security/terrorist issues.	
13						
14	<i>Federal FOIA</i>		most requested: government contracts, inspection reports, studies, assessments, emails among officials, drafts of proposed rules, consumer complaints.		Exclusions: criminal investigations or proceedings of which the subject is unaware; informant records; classified FBI foreign intelligence, counterintelligence or international terrorism records.	
15						
16					9 Exemptions: national defense or foreign policy; internal personnel rules & practices; doc specifically exempted by other federal statutes; trades secrets, commercial, or financial information considered privileged/confidential; Inter/Intra agency memoranda or letters - litigation exemption with subcategories; invasion of personal privacy of individual, information compiled for law enforcement purposes with subcategories; regulation or supervision of financial institutions; geological & geophysical information concerning wells.	
17						
18	<i>Oregon Revised Statutes § 192.355</i>				<i>personal observation: § 192.355(3)(a-c) removes the Exempt from Disclosure and needs to be reviewed in light of the House of Representative January 6th Hearings when elected and civil servant private personal information (email addresses, cell/home telephone numbers, addresses) was released enmass creating fear of injury to oneself or property caused by threats. I would even go so far as to protect the identities of immediate family members (parents, children, grand parents, senior members)</i>	

	A	B	C	D	E	F	G
	Authority or Legal Opinion		Fee Schedule		Fee Waiver total/Reduced Fee Waiver		Query
1							
2							
3	DOJ 1. Public Records 7.Fees		defers to DAS to establish for executive branch.				These questions have Home Rule Implications: The inferred good/bad/indifferent questions: Should political subdivisions (e.g. county, cities, special districts) be required to adhere to DAS's standardized fee schedule for the executive branch? Should those county/cities/ special districts be allowed to keep their existing fee schedule if those fee charges fall outside the norm (i.e. charging color copy for black & white)? Is this an equitable starting point using D A S fee charges? Should categorial entities be included to adhere to the fee schedule/structure? (e.g. special districts [water, irrigation, libraries, ,], PACs, education/ institutions, . . .)
4							
5	Department of Administrative Services 2019-2021 - Agency/Departments; excludes pre-set Agency/Dept fee structures - this appears to be an adequate baseline Executive Order 16-06 (01-26-2016) HB 4135 (02-29-2016)		Paper Copy: <u>B & W</u> : Legal/Letter \$ 0.07; 11*17 \$ 0.14; <u>Color</u> : Letter/Legal \$0.25 11*17 \$ 0.50		first 30 minutes are waived - suggested by Todd.		Question: Should the waived fees be based on a Less Than 15 minutes or Less Than a total of 10 pages? There could be a Restriction Policy designed around multiple-under 10-page request by an individual in? One week, ? one month; . . . ,
6			Electronic Media: Less than 30 min: CD \$ 0.19/ Flat Rate: \$ 5.00; DVD-R \$ 0.32/ Flat Rate \$ 5.00. USB Per Device/ Unit 16gb \$ 4.30, 32gb \$ 6.00, USB 64gb \$ 13.00				Should there be a distinction be between electronic retrieval vs hard copy collection/copying - electronic search take less time but could entail redaction time - an element of consideration; hard copy if archived whether in a different location or not generally requires dedicated time away from assigned office duties - an element of consideration. It could also be prefaced archived does not include current fiscal years or two years prior.
7	D A S 107-001-030		HOURLY RATES are based upon skill level required to fulfill the request regardless of employment status and does not allow for chargers "spent witnessing records inspection"; HOURLY RATES apply to redaction (and/or segregation): \$ 25.00 Clerical (administrative, office specialists, other support staff); \$ 40.00 Managerial (Program managers, PIOs); \$ 75.00 Professional (IT, HR, High-level Analyst), DOJ special atty & other applicable legal fees - ORS 192.440(4)(b)				
8							
9	DOJ Delaware: In Re: Fry v City of Wilmington No. 22-1B21 (May 27th 2022)		uses quarterly & hourly fee rate of lowest paid employee; excludes "intervening holiday" in timeframe in responding to states' foia				
10							
11	SSA, court systems, incarcerated				viewed under / by poverty standards: income to debt ratio, available resources		
12	Fuller v Oregon 417 US 40 (1974) and citing James v Strange 407 US 128 (1972)		While citing court cases, the issues heard from the Leg Subcom members and public comment: is equal protection: entities (political subdivisions thereof) want to be protected for employee time spent fulfilling records request services under state mandate while complying with the public's right to know made through those records requests. If this is too simple or not reading the playing field right, please point out the finite details missed.		advanced costs require repayment providing there is not a "manifest hardship" or invidious discrimination volatile of equal protection		