

**CITY OF WALDPART, OREGON
PUBLIC RECORD REQUEST POLICIES AND PROCEDURES**

Public Records - Defined. As provided in ORS 192.410(4), "Public Record includes any writing containing information relating to the conduct of the public's business, including but not limited to court records, mortgages, and deed records, prepared, owned, used, or retained by a public body regardless of physical form or characteristics."

Oregon statutes provide that "Writing means handwriting, typewriting, printing, photographing, and every means of recording, including letters, words, pictures, sounds, or symbols or combination thereof, and all papers, maps, files, facsimile, or electronic recordings."

Records Requests. Requests must be made under the Oregon Public Records Law. Some requestors will make their request under the federal Freedom of Information Act. While Oregon public entities are not bound by this act, the City should respond to the request as if it was made under the Oregon Public Records Law.

As provided in ORS 192.420(1), "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."

As provided in ORS 192.420(2)(a), "If a person who is a party to a civil judicial proceeding to which a public body is a party, or who has filed a notice under ORS 30.275(5)(a) asks to inspect or to receive a copy of a public record that the person knows relates to the proceeding or notice, the person must submit the request in writing to the custodian and, at the same time, to the attorney for the public body."

Procedure Upon Receipt of Request. The Oregon Public Records Law requires the City to provide "proper and reasonable opportunities for inspection and examination of the records in the office of the custodian" during normal business hours. This allows the City to respond in a reasonable amount of time based on the magnitude of the request, availability of staff, and whether one must determine if a record is exempt.

Determining the exemption status of a record may require consulting with legal counsel.

If the record can be copied, a certified copy must be provided on demand. Access must be given within a reasonable period of time. Payment of reasonable fees is required.

Public Records - Exemptions. Certain records are exempt from disclosure, and sometimes disclosure is prohibited. Other public records are conditionally exempt from disclosure. A determination to withhold information based on any exemption will be made only after review and advice from the City Attorney.

Examples of the types of documents that might be considered exempt from inspection include, but are not limited to, the following:

- A. Litigation;
- B. Trade secrets;
- C. Criminal Investigation;
- D. Test material;

- E. Real estate appraisal;
- F. Personnel
 - 1. Employee representation cards
 - 2. Disciplinary action
 - 3. Unfair labor practice complaints
- G. Certain Urban Renewal Authority and Housing Authority records;
- H. Certain business records;
- I. Public safety plans;
- J. Security measures;
- K. Civil rights investigation;
- L. Unsafe workplace investigations;
- M. Debt collection agency investigation;
- N. Computer programs developed by a public agency;
- O. Internal advisory communication;
- P. Personal privacy exemption;
- Q. Employee information;
 - 1. Home address
 - 2. Social security number
 - 3. Birth date
 - 4. Telephone number
- R. Confidential submissions;
- S. Federal law exemption
- T. Other applicable Oregon statutes;
- U. Worker's compensation claim records;
- V. Public investment records;
- W. Abandoned property reports;
- X. Economic development information;
- Y. Transient room tax records;
- Z. Library records.

Public Record Coordinator. According to the Waldport Municipal Code Title 2, Section 2.16.010, the City Recorder is designated as the records officer for the City of Waldport.

Procedure for Handling Public Records Requests. Requests for public records shall be in writing on a form supplied by the City. The form shall include the following:

- A. The name, address, signature, signature, and telephone number of the person making the request or their authorized representative.
- B. A statement of sufficient specificity to determine the nature, content, and probable department within which the record may be located.
- C. The requestor should be given an estimate of the costs of making the records available for inspection or providing copies.
- D. The City Recorder will handle routine requests. More complex written requests, or requests that implicate application of statutory exemption shall be submitted to the City Attorney, who shall determine if a request can be complied with and direct the City Recorder whether to comply with the request.
- E. Routine public records requests should be handled within a reasonable time

frame. More complex requests should be completed within 30 days, unless the requestor and the City agree upon an extension of time.

Fees. Fees will be charged pursuant to the attached fee schedule. Estimates will be provided to the requestor, and estimates in excess of \$20.00 must be paid before the records can be made available for inspection or copied. When the estimate exceeds the actual cost, the City shall refund the overpayment.

A. Fees shall reflect actual costs. They may be based on, but not limited to, personnel costs, and costs associated with materials used in processing the request.

1. Personnel costs include, but are not limited to, employee time spent while locating, compiling, reviewing, separating, and copying records, including time required to segregate or redact exempt information and time spent supervising public inspection of records. Costs shall be determined at an hourly rate equivalent to the salary plus benefits (computed at an hourly rate) of each employee involved in processing the request.

2. The requestor shall reimburse costs for photographs, audiotapes, and other non-paper materials.

B. The City shall not charge fees or costs incurred by the City when the City Recorder, in the role as custodian of the records, is a witness in a trial or other court proceeding.

C. The City may waive or reduce the fees if it is determined that the waiver or reduction of fees is in the public interest because making the record available primarily benefits the general public.

CITY OF WALDPOR, OREGON
ARCHIVED PUBLIC RECORDS REQUESTS FEE SCHEDULE

Research costs:	Gross hourly wage of employee, billed in 15 min. increments
Copies:	\$.25 per page
Color Copies:	\$1.00 per page

Other fees which may be applicable:

Full cost of City Attorney review, if required

Postage Actual costs

Shipping Actual costs

CITY OF WALDPOR
PUBLIC RECORDS REQUEST

Date: _____

Name: _____ Phone #: _____

Mailing Address: _____

I hereby request inspection and/or copies of the following records (provide sufficient information to identify the specific document(s) requested): _____

(Attach additional page(s) if necessary)

If any material contained in this request is exempt from disclosure, I understand you will provide the name of the document and the reason for the exemption.

(Signature of Requestor)

To be filled out by City Recorder:

Your records request has been approved or denied.

Your records request has been **approved** and the following estimated fees will be charged:

_____ \$ _____
_____ \$ _____
_____ \$ _____
_____ \$ _____

Fees paid: _____ Total \$ _____

Your request has been **denied** based on all or part of the records exemption for the following reasons:

City Recorder

Date