

Public Records Administrative Rule

The District is bound by the Oregon Public Records Law, ORS 192.410-192.505. Oregon Public Records Law allows the District to establish fees reasonably calculated to reimburse the District for the District's actual cost of making public records available, including costs for summarizing, compiling or tailoring the public records, either in organization or media, in response to a request.

Oregon Public Records Law allows the District to include in a public records fee the cost of time spent by an attorney for the District in reviewing the public records, redacting material from the public records or segregating the public records into exempt and nonexempt records. The District may not include in a public records fee the cost of time spent by an attorney for the District in determining whether requested records are subject to disclosure

Purpose

The District establishes this Public Records Request Policy per ORS 192.410 through 192.505. The following summarizes how District will furnish proper and reasonable opportunities for the examination of non-exempt District public records. This policy does not require the District to produce or create new records, information, or extract data upon request.

Record Requests

Requests for District public records must be submitted in writing, on the form attached to this Policy as Appendix A, to:

Jane Ellen Innes
Library Director
Jefferson County Library District
241 SE 7th Street
Madras, OR 97741
541.475.3351
Email: jane@jclcd.org

At a minimum, requests must include:

- A. The name and address of, and sufficient contact information for, the person requesting the public records;
- B. The date of the request; and
- C. A detailed description of the record(s) requested, including subject matter and year(s) of creation. Sufficient keywords must be provided to locate requested electronic records.

Types of Requests

- A. **Level 1:** Requested records must be readily available and able to be provided with no more than 10 minutes of staff time. Level 1 records require no duplication (hard copy or digitization) or redaction.
- B. **Level 2:** Requested records are not immediately accessible, but can be accessed with no more than 30 minutes of staff time. Level 2 records must not include exempt information or require attorney

review prior to release. Also, Level 2 records must not be more than one-year-old nor exceed 50 pages.

- C. **Level 3:** Level 3 requests are complex, involve multiple staff, or require more than 30 minutes of staff time. Such requests may involve extensive research or compilation of records. Any request requiring legal review falls within this Level 3 category.

District Response

- A. **Acknowledgment.** Within five (5) business days of receipt by the District Office Administrator, District will acknowledge receipt of a request per the acknowledgment portion of the attached Appendix A.
- B. **Completion.** Within ten (10) business days after the acknowledgement period, receipt or waiver of any estimated fees, or receipt of any requested additional information, District shall send requestor a response in the form attached as Appendix B to this policy and either: (1) complete the public records request; or (2) provide a written statement to the requestor that the District is processing the request and a reasonable estimated date by which the District expects to complete its response based on the information currently available.
- C. **Exception.** The District shall acknowledge a public records request and complete its response as soon as practicable and without unreasonable delay, rather than complying with the time periods in Sections A and B above, if those time periods are impracticable because:
 - 1. Staff necessary to complete a response to the public records request are on leave or are not scheduled to work;
 - 2. Compliance would demonstrably impede District's ability to perform other necessary services; or
 - 3. Of the volume of public records requests being simultaneously processed by the District.

Fees

District's actual costs to respond to a request must be paid per the Public Records Fee Schedule prior to a record's release or as follows:

- A. **Cost Estimate.** After acknowledging a Level 2 or 3 request, staff will prepare a cost estimate reasonably calculated to reimburse the District for its actual costs in making such records available. A cost estimate includes, but is not limited to, the District's incurred costs, plus staff time, for: summarizing, compiling, or tailoring a record (either in organization or media) to meet the person's request; locating the requested records; reviewing the records in order to separate exempt from non-exempt material as provided by ORS 192.505; supervising a person's inspection of original documents in order to protect the records; copying records; certifying document as true copies; or sending records by special method such as express mail; and attorney time to review and segregate records.
- B. **Deposit.** District will provide the prepared cost estimate to the requestor and will require a deposit for estimates over \$25 before expending additional District resources on the request. District staff will begin work on the request after the receipt of the deposit. If the actual cost of completing the request exceeds the estimate, the District will not release records until the District's actual costs are paid in full. If the actual cost of responding to a request is less than the estimated cost, then the balance of the deposit will be refunded promptly. ***District shall close any public records request if a***

requestor fails to pay the estimated or reduced fee within 60 days of the date on which the District informed the requestor of the requirement for pre-payment of fees.

- C. Fee Waivers or Reductions:
- i. Requests for fee waivers or reductions must be submitted in writing and include the requestor's name, address, basis for the request, and explanation of how the request primarily benefits the general public interest.
 - ii. District may consider whether the requestor can demonstrate the ability to disseminate the information to the public or otherwise benefit the general public with the information. District may consider the requestor's ability to pay and any financial hardship on District that would arise from granting a waiver.
 - iii. Fee waiver or reduction requests from news media for Level 2 records will be granted. Fee waiver or reduction requests from the news media for Level 3 records may be granted in whole or in part, or denied and charged in accordance with the District's Public Records Fee Schedule.
 - iv. The decision of the Director or designee on any fee waiver or reduction is final.

District Response

- A. A person making a public records request may personally inspect the requested records within District Headquarters, during regular District business hours, by appointment only. The right to inspect records does not include the right to access file cabinets or the right to disassemble or change the order of records in files or binders. Original records may not leave the custody of the District. A District staff member must be present at all times while records are inspected. District staff shall immediately terminate a review if a person attempts to alter, remove or destroy any record.
- B. District will allow persons requesting copyrighted records to inspect those records, and may allow limited copying of such records if authorized by Federal copyright law. District may require the requestor to obtain written consent from the copyright holder before allowing copying of such materials.

Public Records Fee Schedule

In order to recover its costs for responding to public records requests, the following fee schedule is adopted by the District:

- Copies of Public Records; Certified Copies: Copies of public records shall be \$0.50 cents per copy for 1-25 pages, \$0.25 per page for 26-50 copies, and \$0.15 per page for over 50 pages for standard, letter size copies. Copies shall be certified for an additional charge of \$10.
- Copies of Sound Recordings: Copies of sound recordings of meetings shall be \$25.00 per copy.
- Copies of Maps and Other Nonstandard Documents: Charges for copying maps or other nonstandard size documents shall be charged in accordance with the actual costs incurred by the District.
- Research Fees: If a request for records requires District personnel to spend more than 15 minutes searching or reviewing records prior to their review or release for copying, the minimum fee shall be \$25/hour and additional charges shall be in ¼ hour increments. The District shall estimate the total amount of time

required to respond to the records request, and the person making the request shall make payment for the estimated cost of the search and copying of the records in advance. If the actual time and costs are less than estimated, the excess money shall be refunded to the person requesting the records. If the actual costs and time are in excess of the estimated time, the difference shall be paid by the person requesting the records at the time the records are produced.

- **Additional Charges:** If a request is of such magnitude and nature that compliance would disrupt the District's normal operation, the District may impose such additional charges as are necessary to reimburse the District for its actual costs of producing the records.