

**DEPARTMENT OF STATE LANDS  
POLICY/PROCEDURES**

**SUBJECT:** Public Records Requests

**NUMBER:** 141-P-024

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**APPROVED:**



**EFFECTIVE DATE:**

May 3, 2010

**APPLICABILITY:** Executive service, management service and classified represented employees.

**REFERENCES:** ORS 192.001 through 192.505; OAR 141-091-0005 through 141-091-0020

**PURPOSE**

The purpose of this policy is to provide guidelines for the request and charge for the inspection and duplication of public records relating to the Oregon Department of State Lands (DSL) in accordance with ORS 192.001 through 192.505.

**DEFINITIONS**

Agency or Department	Oregon Department of State Lands
Exempt Record	Certain records, communications and information that are exempt from public disclosure. Examples include attorney-client privileged communications, parties who request to remain anonymous when reporting potential illegal activities/enforcement issues and certain agency personnel and fiscal records.
Public Record	Any writing that contains information relating to the conduct of the public's business, including but not limited, to a document, book, paper, photograph, file, sound recording or machine readable electronic record, regardless of physical form or characteristics, made, received, filed or recorded in pursuance of law or in connection with the transaction of public business, whether or not confidential or restricted in use.
Requester	An individual or organization requesting access to or copies of public records.

Writing

Handwriting, typewriting, printing, photographing and every means of recording including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, files, facsimiles or electronic recordings.

## **POLICY**

The Department shall respond to any person requesting access to records as soon as practicable and without unreasonable delay.

The Department shall provide any person, upon request, the opportunity to examine any non-exempt records during regular business hours, except as otherwise expressly provided by law. The requester shall make an appointment to view the records. Department staff shall be available to supervise the review of the record and any photocopying to ensure the content, order and integrity of the file are maintained.

If copies of records are requested, the Department shall ensure that they are provided in the format requested, if available. If the record is not available in the format requested, the Department shall make the public record available in the format in which the Department keeps the record.

Fees for copies and services will be charged according to OAR 141-091-0005 through 141-091-0020. In addition, fees may be charged for the actual costs incurred for legal advice relating to the request or records, staff time spent researching, photocopying, separating or redacting exempt information and supervising the inspection of the records.

Before undertaking large requests (i.e., more than 20 files), a deposit may be charged. When estimated charges are over \$25, the Department shall send a written notice to the requester with an explanation of the charges. The Department shall wait for confirmation from the requester to proceed with the request.

Due to dedicated funding sources, DSL may not waive its fees for furnishing public records. [39 Op Atty Gen 61 (1978); Oregon Attorney General's Public Records and Public Meetings Manual at 16]

A person denied the right to inspect or receive a copy of a public record may petition the Attorney General to review the public record to determine if it may be withheld from public inspection.

## **RESPONSIBILITES**

Each Division of the Department shall respond to requests that are specific to their Division. When a request involves more than one Division, the Executive Assistant shall coordinate collecting the records and responding to the requester.

If a request is clear, either written or oral, staff shall provide the information requested without delay. A written request is not necessary for these requests. If there is uncertainty as to the documents being requested, the requester will be asked to complete a Public Records Request Form or make an appointment to review the file(s).

The Department shall acknowledge receipt of the request and provide an estimated time in which the documents will be provided and an estimation of any fees that will be charged, as well as an explanation of how the fees were calculated. Staff will proceed with the request once the Requester has acknowledged and approved the fee amount.

If additional time is needed to fulfill the request, the Department shall notify the Requester with an explanation of why more time is needed. Possible reasons for additional time are: the volume of records requested or to be searched; need for review by an attorney to determine whether or not a record is exempt; and/or time necessary to redact or separate exempt records.

When an invoice is required, staff shall request an invoice from the fiscal office. This invoice should be included with the requested documents, when possible. The amount will be entered as a receivable for the agency, subject to collection procedures according to the Oregon Accounting Manual.

Once the request is complete, staff shall notify the Executive Assistant with a copy of the request or brief description, the date the request was completed, a description of the record(s) that was sent to the requester and the amount charged for the request. The Executive Assistant shall log this information into a database.