

CITY OF NEWPORT, OREGON

PUBLIC RECORD REQUEST POLICIES AND PROCEDURES

- I. **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.”

- II. **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.”

- III. **What Happens When a Request is Received?** 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.

- IV. **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.

- V. **Public Record Coordinator**. Each department shall designate a staff person to serve as the Public Record Coordinator for that department. Each Public Record Coordinator shall receive training with regard to the state public records laws and City policy.

- VI. **Procedure for Handling Public Records Requests.** Requests for public records shall be in writing on a form supplied by the City. Upon receipt, the request shall be date stamped and processed as follows:
- 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 Public Record Coordinator within the department 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 Public Record Coordinator whether to comply with the request.
 - E. Routine public records requests should be handled within three business days. More complex requests should be completed within 30 days, unless the requestor and the City agree upon an extension of time.
- VII. **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 an employee of the City, in the employee's role as custodian of the records, is a witness in a trial or other court proceeding.

- C. The City Council 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 NEWPORT, OREGON
ARCHIVED PUBLIC RECORDS REQUESTS FEE SCHEDULE
(Effective February 23, 2005)

<u>Type of Fee</u>	<u>Formula</u>
Copies	\$0.25 per page Oversized documents (larger than 11" x 17") - \$5.00 per page
Color Copies and Prints	\$2.00 per page
Research	Salary plus benefits of minimum staff required, converted to hourly rate, per hour Full cost of City Attorney review, if required
File Review Staffing	Salary plus benefits, converted to hourly rate, per hour
Audio Tape	\$10.00 City tape \$5.00 if tape provided by requestor
Maps	Actual printing cost
Lists and Labels	Research costs plus copying charges and materials
Photos	Vendor cost, plus staff time
CD's & Floppy Disks	\$5.00 per CD or floppy disk, plus staff time, with \$5.00 minimum, plus postage, if mailed
Postage	Actual costs
Shipping	Actual costs
Certified Copy	\$5.00, plus actual copying costs
Other Copies/Department Publications	Actual copying/printing costs, plus research costs
Police Reports	\$15.00

**CITY OF NEWPORT, OREGON
PUBLIC RECORDS REQUEST FORM**

TO: _____
(Person in charge of record and department)

Date: _____

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

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.

(Name of Requestor)

(Address of Requestor)

(Daytime Phone Number)

(Signature of Requestor)

(for office use only)

Your records request has been approved or denied

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

_____ \$ _____

_____ \$ _____

_____ \$ _____

_____ \$ _____

Fees paid: _____
(date)

TOTAL \$ _____

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

(Custodian Name)

(Custodian Title)

**CITY OF NEWPORT, OREGON
PUBLIC RECORDS REQUEST FORM**

TO: _____
(Person in charge of record and department)

Date: _____

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

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.

(Name of Requestor)

(Address of Requestor)

(Daytime Phone Number)

(Signature of Requestor)

(for office use only)

Your records request has been approved ? or denied ?

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

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

Fees paid: _____
(date)

TOTAL \$ _____

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

(Custodian Name)

(Custodian Title)

(Custodian Signature)

(Date)

RESOLUTION NO. 3348

**A RESOLUTION ADOPTING A PUBLIC RECORDS REQUEST POLICY
AND FEE SCHEDULE**

WHEREAS, ORS 192.420(1) provides 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; and

WHEREAS, it is appropriate for the City Council to adopt a policy and establish fees for public records requests;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEWPORT, AS FOLLOWS:

Section 1. Policy Adoption. The City Council hereby adopts the public record request policy and fee schedule as attached.

Section 2. Repeal of Previously Enacted Fees for Records. Previously established fees for records are superseded by this policy.

Section 3. Effective Date. This resolution shall become effective on the 22nd day of February, 2005.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NEWPORT this 22nd day of February, 2005, and approved by the Mayor this _____ day of _____, 2005.

Mark D. Jones, Mayor

ATTEST:

Margaret M. Hawker, City Recorder