

Public Records Access Policy

Purpose: Establish a policy and procedure to provide access to public records in an efficient and cost-effective manner consistent with the laws of the State of Oregon.

Authority: Pursuant to Oregon Revised Statute 192.420, every person has the right to inspect any non-exempt public record of the City of Grants Pass subject to a reasonable procedure.

Definition of Public Record: Oregon Revised Statute defines a public record as any writing containing information relating to the conduct of the public's business, prepared, owned, used or retained by a public body regardless of physical form or characteristics. ORS 192.410 defines "writing" as handwriting, typewriting, printing, photographing, and every means of recording, including letters, words, pictures, sounds or symbols, or any combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, discs, drums or other documents.

Public Records Law does not impose on public bodies the duty to create public records. Public bodies are not required to create a record to disclose the "reasoning" behind their actions, or other "knowledge" their staff might have. Nor does the Public Records Law require public bodies to explain or to answer questions or provide legal research or analysis about their records.

A complete list of records exempt from public disclosure is listed in Oregon Revised Statute 192.501-502 or in the Attorney Generals Public Records and Meetings Manual.

Access Procedure - Request

1. Requests for public records that are in the custody of the City of Grants Pass, other than those handled by the Department of Public Safety, shall be made by submitting a fully completed request form made available by the City of Grants Pass (see Attachment #1) unless exempted herein.

This written request may be submitted in person, by mail, by fax, or by e-mail and must be signed.

2. Request requiring less than 1 hour of staff time to respond may be made without submitting the City's written request form. Staff shall have sole authority to determine whether a request meets this criteria or whether it must be submitted in writing.
3. Any requests that may be in conflict with City Charter, codes, federal or state laws or regulations shall be subject to review and approval by the City Attorney.

Access Procedure - Response

1. The City will provide a response to a written public records request as soon as practicable after receiving the request and without unreasonable delay. The City should use a standard form response for any written requests (see Attachment #2). Any response by the City which discloses less than all of the information

requested because of exemption status should inform the requestor that there are records not being disclosed and state the reason for non-disclosure.

The amount of time needed to respond to the request will depend upon the number of requests received, the volume of records requested, the difficulty in identifying, locating or collecting the records, the staff available needed or required to respond to the records request, or the difficulty in determining whether any of the records are exempt from disclosure.

The City may request additional information or clarification from the requester for the purpose of expediting the City's response to the request.

2. If there is doubt that any portion of the records requested for inspection and/or copying are not clearly within the definition of "public record" or are exempt records, the request will be referred to the City Attorney for review and recommendation.
3. Inspection of public records shall be conducted during the regular business hours of the City of Grants Pass.
 - a. Original documents may not be taken out of the City's custody.
 - b. A city staff person must be present while any public records are being inspected to insure protection of the documents.
 - c. Inspection does not include the right to examine materials exempt from disclosure, the right to rummage through file cabinets, file folders, desks, electronic files, or the right to disassemble, damage, or change the order of materials in files or document binders.
 - d. If a requested document contains exempt information, a copy, in lieu of the original, may be provided with the exempt portion redacted.

Public Record Request Fees

Authorization: Oregon Revised Statute 192.440 (4) authorizes a public body to establish fees to reimburse for actual costs in making public records available.

1. Fees will be charged to reimburse the City for the actual cost of making the public records available unless otherwise provided in this policy. This includes costs for researching, summarizing, compiling or tailoring the public records, either in organization or media, to meet the person's request. The actual cost may include: a charge for the time spent by the public body's staff in locating the public records, reviewing the records in order to redact and/or segregate exempt material, supervising a person's inspection of original documents in order to protect the records, copying records, certifying documents as true copies, and packaging and delivering documents. Actual cost will be billed for the delivery of records including postage and courier fees.
2. Costs for staff time will be billed (in quarter hour increments) at a flat rate of \$40 per hour. No charge will be billed for the first 1 hour of staff time for the first request by any individual in any calendar year.

3. Costs for Copies of Public Records will be billed pursuant to the City's adopted fee schedule:

Photo copy - \$.10 per page (up to 10 pages free)

Color photo copy - \$.25 per page (up to 4 pages free)

4. City staff should inform the requestor of the estimated cost of making the public record available prior to proceeding with their request. No fee greater than \$25 may be charged unless the City first provides the requestor with a written notification of the estimated amount of the fee and the requestor confirms in writing that the requestor wants the City to proceed with making the public record available.
5. The City may require prepayment of the estimated cost of making the public record available before any costs will be incurred. Any estimated cost above \$25 shall be prepaid. If the actual time and costs are less than estimated, the excess money shall be refunded to the person requesting the records within three weeks of completion of the request. If the actual costs and time are in excess of the estimated time, the difference shall be paid by the person requesting the records prior to inspection or release of copies of the records. If the requestor is indebted to the City for previous requests, the requestor must remit payment for all outstanding amounts owed before the City provides additional records or services.

Fee Waiver/Reduction

The City may waive or reduce fees pursuant to Oregon Revised Statute 192.440 (5) if it determines that the waiver or reduction is in the public interest because making the record available primarily benefits the general public. The decision to waive or reduce fees must be reasonable and be evaluated case-by-case based on the totality of the circumstances. Factors the City will consider in addition to "the public interest" include: the requestor's ability to pay for the request, any financial hardship on the City, the extent of time and expense and interference with the business of the City, the volume of the records requested, the necessity to segregate exempt from nonexempt materials, and the extent to which an inspection of the records is insufficient for the public interest or for the particular needs of the requestor.

1. A person may request a fee waiver or reduction by completing the Request for Fee Waivers or Reductions form (see Attachment #3) and submitting to the City Administration office with their records request. Staff will refer the request to the City Attorney for review.
2. Staff will notify the person requesting the fee waiver or reduction as to whether the waiver/reduction has been granted before any costs are incurred in responding to the records request.

Public Records Request by Council or Committee Members

Notwithstanding anything to the contrary contained in the Public Records Access Policy, members of the City Council or any City committee, commission or advisory group may make public records requests in furtherance of his or her public duties as a member of the Council, committee, commission or advisory group. Such requests are separate and

apart from any public records request which such members may choose to make in their individual capacities and which shall be subject to the 'Access Procedure' and 'Fees' provision set forth in pages 1 through 3 of the City's Public Records Access Policy.

Public records requests by Council or Committee members made in furtherance of City duties shall be made without charge, and the request shall be responded to in the ordinary course of business by City staff unless the requestor specifically requests that such request be expedited due to time constraints. A request by a Councilor or the Mayor shall receive priority over requests by Committee members.

Public records requests by Council or Committee members shall be made to the City Manager or appropriate Department Director in writing, e-mail, phone or in person. Any requests that may be in conflict with City Charter, codes, federal or state laws or regulations shall be subject to review and approval by the City Attorney.

Any request by a Council or Committee member which may be deemed to be unreasonable by the City Manager or staff shall be subject to review and approval by the City Council at its next scheduled public meeting. Prior to making a determination that the request is unreasonable, the City Manager and the requestor will make a reasonable effort to clarify the request, narrow the scope of the request and or extend the time for response. Requestor needs only three Council votes to receive approval of his or her request.

For purposes of this provision, a request shall be deemed to be unreasonable if it:

1. Alone or together with other public records requests submitted by a member of the Council, committee, commission or advisory group, the request would unreasonably interfere with the day to day operations of City staff due to the extensiveness of the request or amount of time required to respond to it; or
2. The request lacks clarity or is overly broad in its scope.

Denial of access to public records and/or denial of request for fee waiver or reduction can be reviewed. For information on how to proceed if you want to dispute either of these denials, please see ORS 192 or the Attorney Generals Public Records and Meetings Manual which are available for review at the City of Grants Pass Administration Office during regular business hours.



City of Grants Pass Request for Public Records

This form is for requesting public records that are held by the City of Grants Pass. Requests for criminal records should be directed to the Grants Pass Department of Public Safety. Depending on the processing time, there may be a charge for the record.

Requestor Name: _____ Date: _____

Address: _____

City: _____ State: _____ Zip: _____

Contact Phone: _____ Email: _____

Description of Record(s): Please provide as much information as possible.
Attach additional information if needed.

- I would like to inspect the records only.
- I would like emailed copies of records.
- I would like photo copies of records.

Please submit this form via one of the following:

Mail: City Recorder, City of Grants Pass
101 NW A Street
Grants Pass, OR 97526

Email: kfrerk@grantspassoregon.gov
Fax: 541-479-0812

Office Use Only
Date Received _____
Employee _____
Amount Due (if any) _____
Date Completed: _____

Response to Public Records Request

To: (Requester)

In accordance with ORS 192.440(2), this is to acknowledge our receipt on _____(date) of your request for the following record(s):

(Describe records requested.)

Having reviewed your request, we are able to inform you that:

___ Copies of all requested public records for which the City of Grants Pass does not claim an exemption from disclosure under ORS 192.410 to 192.505 are enclosed.

___ The City of Grants Pass (does not possess/is not the custodian of) the requested record(s).

___ The City of Grants Pass is uncertain whether we possess the requested record(s). We will search for the record and make an appropriate response as soon as practicable.

___ The City of Grants Pass is the custodian of at least some of the requested public records. We estimate that it will require (estimated time) before the public records may be inspected or copies of the records will be provided. We estimate that the fee for making the records available is \$_____, which you must pay as a condition of receiving the records.

___ The City of Grants Pass is the custodian of at least some of the requested public records. We will provide an estimate of the time and fees for disclosure of the public records within a reasonable time.

___ (State/federal) law prohibits the City of Grants Pass from acknowledging whether the requested record(s) exists(s). (Cite to relevant state/federal law.)

___ The City of Grants Pass is unable to acknowledge whether the requested record(s) exist(s) because that acknowledgement would result in (the loss of federal benefits/other sanction). (Cite to relevant state/federal law.)

City of Grants Pass, Oregon

Request for Fee Waivers or Reductions
(Attach to the City of Grants Pass Public Records Request Form)

Fee waivers or reductions for public records requests are only granted after it has been determined that the fee waiver or reduction is in the “public interest” because making the record available will primarily benefit the general public. ORS 192.440. A matter is considered to be in the public interest when it affects the community or society as a whole, in contrast to a concern or interest of a private individual or entity. Thus, furnishing of the record provides its greatest utility to the community of society as a whole.

Below please provide reasoning that will justify a fee waiver or reduction for this public records request. Cite how the general public will benefit significantly from this information, and specifically which members of the general public will benefit. Describe your ability to disseminate or use this information in a way that will lead to a greater public understanding of it. If you, or anyone you represent, have a commercial interest in this information, it must also be mentioned.

All requests for public fee waivers or reductions will be considered on a case-by-case basis by the Director of the Department from which the records originate. A decision will be made within one week; after which you will be notified by mail.

Request submitted by: _____ Date: _____

Request is approved

Request is denied

If the request is denied, please provide the reason: _____

Department Director

Date