Public Records Request Policy

Latest Revision	April 2022	**Reviewer**	County Court Staff
Next Review	October 2023		
Compliance	ORS 192.311 – 192.431		
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1. Policy Statement

Gilliam County ("County") complies with the Oregon Public Records Law and (a) responds to public records requests as soon as practical and without unreasonable delay, in a manner that complies with ORS 192.311 – 192.431, as amended; (b) provides reasonable measures to protect and preserve the integrity of the public records; and (c) maintain office efficiency and order. To the extent this policy conflicts with any federal, state, and/or local laws, regulations, and/or ordinances, Gilliam County will comply with the applicable federal, state, and/or local laws, regulations, and/or ordinances.

2. Applicability

All public records that are in the custody of the County.

3. Definitions

Business Day: a day other than Saturday, Sunday, and/or a legal holiday and on which at least one paid County employee that received the public records request is scheduled to and does report to work.
Requester: Person making the public records request

4. Procedure

4.1 Method of Records Requests. A request for public records that are in the custody of the County must be made by submitting a written request, on the form prescribed by the County, to the designated person for the appropriate Office or Department. Contact details can be found at http://www.co.gilliam.or.us/government/index.php. If you have questions as to which Office or Department to direct your request, please contact the County Court Office.

A public records request may be submitted in person or via mail, facsimile, or electronic mail.

4.2 Specificity of Records Request. All requests for public records must be dated and signed by the person (the "Requester") requesting to inspect the public records or receive a copy of the public records. In addition, in order to facilitate the public's access to public records in the County's possession, and to avoid unnecessary expenditure of County personnel time, a request to inspect

public records or receive copies of public records must contain the following minimum information:

(a) the Requester's name and address;

(b) the Requester's telephone number or other contact information; and,

(c) a sufficiently detailed description of the public records requested, including the dates, subject matter, and such other information concerning the requested public records as may be necessary to enable County personnel to search for and readily locate the desired public records.

4.3 County Response.

4.3.1. Subject to and except as otherwise provided under this policy or applicable law, if the County receives a written request to inspect or receive a copy of a public record in accordance with this policy and applicable law, the County will, within five business days after receiving the public records request, acknowledge receipt of the request or complete the County's response to the request. The County's acknowledgment will:

(a) confirm that the County is the custodian of the requested record;

(b) inform the Requester that the County is not the custodian of the requested record; or,

(c) notify the Requester that the County is uncertain whether the County is the custodian of the requested record.

4.3.2. The County may request additional information or clarification from the Requester to expedite the County's response to the request. If the County requests additional information or clarification, the County's obligation to further complete its response to the request is suspended until the Requester provides the requested information or clarification or affirmatively declines to provide that information or clarification. The County will close the subject request if the Requester fails to respond within 60 days to the County's request for additional information or clarification.

4.3.3. The County will provide the Requester an estimate of the fees applicable to making the public records available for inspection or providing copies. The County will also advise the Requester that the requested public records will not be released (i.e., the County's obligation to provide the requested records is suspended) unless and until the County receives payment of the estimated fees for providing the service. The County will close the subject request if the Requester fails to pay the fees within 60 days after the date on which the County informed the Requester of the fees, or fails to pay the fee within 60 days after the date on which the County informed the Requester of the denial of the fee waiver (if applicable). The County's failure to advise the Requester of the prepayment obligation will not relieve the Requester of the obligation to pay applicable fees.

4.4 Completion of Records Request. The County will complete its response to a properly completed written records request as soon as practicable and without unreasonable delay. To this end, as soon as reasonably possible, but no later than 15 business days after the date by which the County received the request, the County will:

(a) complete its response to the public records request; or,

(b) provide a written statement that the County is still processing the request and a reasonable estimated date by which the County expects to complete its response based on information then-available. Notwithstanding anything contained in this policy to the contrary, the time periods established under Section 4.3.1 and/or this Section 4.4 do not apply if compliance is impracticable

because:
(a) staff or volunteers necessary to complete the response are unavailable;
(b) compliance will demonstrably impede the County's ability to perform other necessary services; and/or,
(c) the volume of public records requests being simultaneously processed by the County.

If the County is unable to comply with the time periods established under Section 4.3.1 and/or this Section 4.4 for a reason identified under this Section 4.4, the County will, as soon as practicable and without unreasonable delay, acknowledge the public records request and complete the response to the request.

4.5 County Attorney. Routine public records requests will be handled by the Gilliam County Judge or his or her designee. More complex public records requests and/or public records requests that may implicate the application of one or more statutory exemptions from disclosure will be submitted to the County's attorney for review and evaluation. After reviewing and evaluating the public records request, the County's attorney will:
(a) make a determination as to whether the public records request may be processed; and,
(b) inform the County whether to process the public records request.
If the attorney determines that the County is unable to process the requested public records, the attorney will provide the Requester a written response identifying the basis for the denial.

4.6 Access to Public Records. The County will permit inspection and examination of its non-exempt public records during regular business hours in the County's offices, or such other locations as the County may reasonably designate from time to time. Copies of non-exempt public records maintained in machine readable or electronic form will be furnished, if available, in the form requested. If not available in the form requested, such public records will be made available in the form in which they are maintained. The County is not required to engage in any of the following activities:
(a) create any new public records and/or customize any existing public records in response to a public records request;
(b) produce "lists" of public records that are not already available in the form of a "list";
(c) create a public record to disclose the reasoning behind the County's actions or other knowledge County personnel may have; and/or,
(d) explain or answer questions or provide legal research and analysis on or about any public records.

4.7 Public Records Request Form. A request for public records must be made by submitting a written request to the County on the form prescribed by the County. The public records request form will be made available to the public. The County may make modifications to the public records request form at any time and from time to time as the County deems necessary or appropriate.

4.8 Certified Copies. Certified copies of non-exempt public records will be furnished upon request and receipt of payment therefor.

5. Fee Schedule

5.1 Fees for Public Records. To recover the County's actual cost for responding to public records requests, the County adopts the fee schedule attached hereto as Schedule 5.1. An extended fee schedule for individual requests not covered in Schedule 5.1 or charges pertaining to the public records of the Gilliam County Sheriff's Office are available upon request.

5.2 Fees Exceeding $25.00. The County will not charge a Requester a fee for making the public records requested available for inspection, or for providing copies of the same, in excess of $25.00 unless the County first provides the Requester written notification of the estimated amount of the fees and the Requester confirms that the Requester wants the public body to proceed with making the public records available.

5.3 Advance Payment of Fees. All estimated fees for making the public records requested available for inspection, or for providing copies of the same, must be paid before the public records will be made available. If the County's estimated fees exceeds the actual cost, the overpayment will be refunded by the County to the Requester. If the County's estimated fees is less than the actual expense incurred by the County to process the records request, the Requester will pay such additional fees before the public records will be made available. Public records will not be released for inspection or copying unless and until the County has received payment from the Requester for providing the requested public records.

5.4 Reduced Fee or Free Copies. The County may furnish copies of any public record without charge or at a substantially reduced fee if the County determines that the waiver or reduction of fees is in the public interest because making the public record available primarily benefits the general public.

5.5 Modifications to Fee Schedule. Schedule 5.1 may be modified at any time by resolution. Any change to Schedule 5.1 will apply as of the effective date of the resolution modifying Schedule 5.1 and will not apply retroactively to any public records request that has been submitted and processed prior to the effective date of such resolution.

6. Original Records

6.1 Authorization Required for Removal of Original Records. At no time will an original public record be removed from the County's files or the place at which the public record is regularly maintained except upon authorization of the County Judge.

6.2 On-Site Review of Original Records. If a request to review original public records is made, the County will permit such review provided that search fees are paid in advance in accordance with Section 5. If the County deems necessary or appropriate, the County may require that County personnel be present during the review of any original records. The person reviewing the original records will be charged for County personnel's time for being present while the original records are being reviewed.

6.3 Unauthorized Alteration, Removal, or Destruction of Original Records. If any person attempts to alter, remove, and/or destroy any public record, the County's representative will immediately terminate such person's review and will notify the County attorney.

Schedule 5.1
Fee Schedule for
Public Records Requests

1. Copies of Public Records; Certified Copies. Standard, letter size copies of public records are $.25 cents per page. Copies may be certified for an additional charge of $5.00.

2. Copies of Maps and Other Non-Standard Documents. The actual cost to the County for copying maps or other non-standard size documents will be charged to the Requester.

3. Records on USB Storage Device. Copies of public records may be provided on a USB storage device if the record(s) are stored in the County's computer system. USB devices will be provided at a cost of $25.00 per device and may contain as much information as the device will hold. Due to threat of computer viruses, the County will not permit a Requester to provide USB devices for electronic reproduction of computer records.

4. Labor Costs. The County's personnel time for researching, locating, compiling, editing, summarizing, tailoring, and/or otherwise processing information and records will be at the hourly rate (or its equivalent) of the personnel responsible for processing the information or public records request, which time will be charged in quarter-hour increments; provided, however, the County may waive the County's labor costs for a public records request requiring 30 or fewer minutes of total personnel time. The County will estimate the total amount of time required to respond to the public records request and the Requester will make payment for the estimated cost in advance. If the actual time and costs are less than estimated, the excess amount paid will be refunded to the Requester. If the actual costs and time are more than estimated, the difference will be paid by the Requester at the time the public records are produced (but before the public records are made available).

5. Delivery and Postage. The Requester will pay the actual cost for delivery of the public records, including postage or courier fees.

6. Attorney Fees. As applicable, the Requester will pay the actual attorney fees charged to the County for the cost of time spent by the attorney reviewing the public records, redacting material from the public records, and/or segregating the public records into exempt and nonexempt records. The cost of the attorney's time spent determining the application of the Oregon Public Records Law will not be included in the "actual attorney fees."

7. Additional Charges. If a request is of such magnitude and nature that compliance will disrupt the County's normal operation, the County may impose such additional charges as are reasonably necessary to reimburse the County for its actual costs of producing the requested public records.

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Date	**Rev #**	**Revision Description**	**Author**
12/16/2019	1.1	Updated Contact Details	L Atkin
12/23/2019	1.2	Typo Corrected	L Atkin
04/13/2022	1.3	Corrected Contact Details	D Watkins

County Court Judge	Judge Elizabeth Farrar Campbell		
Signature	Elizabeth Farrar Campbell	**Adoption date**	05/04/2022