

PUBLIC RECORDS REQUEST ORDINANCE 101

Objective

To ensure that all public records requests are handled in a consistent manner and in compliance with state law.

Application

This policy applies to any request for public records, pursuant to Oregon Public Records Law, unless otherwise stated herein.

Policy

Section I. – General Information

Pursuant to ORS 192.420 (1), every person has a right to inspect any non-exempt public record of Willamalane Park and Recreation District (“Willamalane”). Willamalane recognizes and respects the public’s right to public documents and the importance of maintaining orderly files to facilitate public access in an efficient and cost-effective manner.

Some records are exempt from disclosure, in whole or in part.

The Administrative Services Division Director shall be designated as the Public Records Officer.

Section II. – Making a Public Records Request

A request for public records that are in the custody of Willamalane may be made by submitting a Public Records Request Form to the Public Records Officer. Public Records Request Forms may be submitted in person, by mail, by fax, or by e-mail to the following addresses. The Public Records Request Form is available online at willamalane.org or at the Willamalane Center.

Mailing & Physical Address:

Willamalane Center
Attn: Public Records Officer
250 S. 32nd St.
Springfield, OR 97478-6302

Other Contact Information:

recordsrequest@willamalane.org
Phone: 541-736-4022
Fax: 541-736-4043

All written requests must be submitted on Willamalane’s Public Records Request Form, which is attached as **Exhibit 1.A**. The Public Records Request Form must be fully completed and must include the following information from the requestor: (1) name; (2) mailing address; (3) e-mail address; (4) telephone number; and (5) a sufficiently detailed description of the record(s) requested to allow Willamalane to search for and identify responsive records. The Public Records Request Form must be signed and dated by the requestor. Willamalane may request additional information or clarification from the requestor, as necessary.

If the requestor is a party to a judicial proceeding to which Willamalane is a party, or has filed a notice under ORS 30.275, and asks to inspect or receive a copy of a public record that the requestor knows relates to the proceeding or notice, the requestor must submit the request in writing to the Public Records Officer and, at the same time, the attorney for Willamalane.

Section III. – Calculation of Fees

ORS 192.440 allows Willamalane to establish fees reasonably calculated to reimburse Willamalane for its costs of making public records available. Willamalane calculates fees for responses to public records requests as set forth below and in the Fee Schedule, which is attached as **Exhibit 1.B**. The Fee Schedule may be updated, as appropriate, by the Willamalane Board of Directors.

- A. Attorney Fees. Willamalane may charge for attorney fees for the cost of time spent by an attorney in reviewing the public records, redacting material from the public records, or segregating the public records into exempt and nonexempt records.
- B. Pre-payment of Fees and Cost Estimates. Payment of fees is required before Willamalane provides the requested record(s). For cost estimates less than \$25.00, Willamalane will not provide an estimate of fees in advance. Cost estimates that exceed \$25.00 will be provided to the requestor, and Willamalane requires pre-payment of one-half of the estimated fee before taking further action on the request. Payment of the remaining fees is required before Willamalane provides the requested record(s). If the actual charges are less than the prepayment, any overpayment will be refunded in a timely manner.
- C. ADA Format. No additional fees will be charged for providing a record in an alternate format in accordance with the Americans with Disabilities Act.
- D. Fee Waivers or Reductions. Pursuant to ORS 192.440 (5), Willamalane may reduce or waive fees if it determines that doing so is in “the public interest because making the record available primarily benefits the general public.” Release of public records are “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.”¹ The decision to waive or reduce fees is within the discretion of the Public Records Officer. Requests for a fee waiver or reduction must be evaluated on a case-by-case basis by the Public Records Officer, based on the following factors:
 - 1. Financial hardship on the public body;
 - 2. The extent of time, expense and interference with the business of the public body;
 - 3. The volume of the records requested;
 - 4. The necessity to segregate exempt from nonexempt materials; and
 - 5. The extent to which an inspection of the records is insufficient for the public interest or for the particular needs of the requestor.¹

Section IV. – Willamalane Response to Public Records Request

Willamalane shall respond to a person who makes a written request for public records as soon as practicable and without unreasonable delay. However, it will be done in such a manner so as to provide the least disruption to the regularly scheduled workload of each department.

The response will acknowledge receipt of the request and will include one of the following:

¹ State of Oregon Department of Justice Attorney General’s Public Records and Meetings Manual, 2014, (State of Oregon acting by and through its Department of Justice), 19-23.

- A. A statement that Willamalane does not possess, or is not custodian of the public record(s);
- B. A statement from Willamalane that it needs clarification of the request;
- C. Copies of all requested public records for which Willamalane does not claim an exemption from disclosure under ORS 192.410 to 192.505;
- D. For cost estimates that exceed \$25.00, a cost estimate for providing the records, requiring pre-payment of the estimated fee before Willamalane will take any further action on the request, with instructions on how to pay the fees;
- E. A statement that Willamalane is the custodian of at least some of the requested public records and the amount of time Willamalane needs before the records will be available to the requestor;
- F. A statement that Willamalane is uncertain if it possesses the public record and that Willamalane will search for the record and make an appropriate response as soon as practicable; or
- G. A statement that the requested record(s) are exempted from public disclosure under state and/or federal law.

Protecting the Rights of Others: If the requested record(s) contain information that may affect the rights of others, the Public Records Officer or designee may provide notice and allow time for action by the other parties before providing the requested records.

Section V. – Procedure for Inspecting Records at Willamalane

A requestor must complete the Public Records Request Form, as set forth in Section 2 of this policy. A requestor requesting to inspect records at Willamalane shall also call the Public Records Officer and indicate the number of people seeking to inspect the requested record(s) so that a conference room may be reserved. Once Willamalane has received and reviewed the request, the requestor will be contacted when the records are ready for the requestor's review. Fees will be charged in accordance with Section 3, above.

A space will be provided to the requestor for reviewing the public record(s). There will be an hourly charge for a staff person's time to supervise the requestor's inspection of records. This fee must be paid in advance. Any pages to be copied should be marked by the requestor with a post-it note, which Willamalane will provide.

When the requestor has completed his/her review, the requestor shall return the record(s) in the same order and condition as provided. The requestor will be contacted when copies are available for pick-up. As set forth in Section 3, pre-payment of fees will be required.

Section VI. – Requests for Information

It is important to distinguish between a request for information and a public records request. As articulated in the Attorney General's Public Records and Meetings Manual, Oregon Public Records Law does not impose on public bodies the duty to create public records.

Willamalane shall not create any new documents or customize any existing documents in response to a public records request. However, Willamalane may prepare and release a condensation from a record as permitted under ORS 192.423.

Section VII. – Review of Denials of Public Records

- A. Denial: Within five (5) business days of Willamalane’s issuance of a denial or partial denial of the requestor’s public records request, the requestor may petition the Public Records Officer in writing for a review of that decision. The petition must clearly identify the reasons the requestor disagrees with Willamalane’s denial. The Public Records Officer will provide the petition and any other relevant information to the Superintendent, or his/her designee. The Superintendent, or his/her designee, will promptly consider the petition and either affirm or reverse the denial.

- B. Appeal: If a public records request is denied, the person making the request may appeal the denial to the Lane County District Attorney’s Office. If the Lane County District Attorney determines that disclosure is appropriate, Willamalane can disclose the records or challenge the District Attorney’s decision in court.

Section VIII. – Document Retention

Willamalane shall comply with the requirements set forth in Oregon Administrative Rules Chapter 166, Division 150, pertaining to retention requirements for Special Districts.