



## Administrative Regulation Records Requests

<b>Policy #</b>	20.4
<b>Effective Date:</b>	October 16, 2017
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<b>Owner:</b>	Public Records

### **Purpose:**

This regulation establishes policies for processing requests and recovering city expenses incurred in responding to requests from the public for public records of the City of Springfield.

### **Scope:**

This regulation applies to all records requests received in the City of Springfield organization.

### **Policy:**

The City of Springfield complies with Oregon Public Records law and responds to public records requests as soon as practicable and without unreasonable delay.

Records requests shall be submitted in writing to the City Recorder. The City will not author or prepare any new documents in response to a records requestor. Records requests must include the following:

- The requestor's name, mailing address, and phone number or email.
- A complete and detailed description of records requested, and where relevant, the purpose for which the request is made.
- If known, the department location, year of creation and other pertinent information which may assist city staff in locating the requested documents.

Per ORS, the city shall respond to all public records requests within 5 business days of receiving the request, and must fulfill the request within an additional 10 business days after acknowledging the request, or issue a written response that estimates how long fulfilling the request will take. The amount of time needed will depend upon the volume of the records requested, the staff available to respond to the records request, and the difficulty in determining whether any of the records are exempt from disclosure.

*ORS 192.324 (4) authorizes the City to charge fees associated with public records requests.*

### **Procedure:**

#### 1. Levels of Requests

- 1.1. The following levels will be assigned to records requests:

1.1.1. *Level 1 Request:*

Does not require a written request and is not likely to require a fee. Requested document(s) must be current and readily available and must require minimal staff time or resources to be made available.

1.1.2. *Level 2 Request:*

Must be made in writing to the City Recorder. Requested documents are not immediately available. Request must clearly and correctly identify the document, may not require extensive staff research to locate the document, may not include more than 50 pages of documents that are more than one year old. Requested document must be located in a single department or division, may not contain sensitive, confidential, or privileged information, and must not require attorney review prior to release. Cost estimates will be provided and requestor must agree to pay before document retrieval begins. Documents are usually available within 5 business days (not including weekends or holidays). Payment due upon receipt.

1.1.3. *Level 3 Request:*

Must be made in writing to the City Recorder. This type of request is complex, involving multiple staff and/or departments or divisions. It involves extensive research or compilation of documents and may require attorney review. The request also may require follow up by staff to identify what is being requested. City staff furnishes written acknowledgment that the request has been received and provide the requestor a written time and cost estimate for proceeding with the request. The requestor must submit written authorization to proceed and pay the estimated costs before any staff time is expended responding to the request.

2. Response to Requests

2.1. Every attempt is made to provide the information for Level 1 Requests on the same day, Level 2 Requests within 5 business days and Level 3 Requests within 15 business days after the request is received. The City Recorder will coordinate Level 2 and 3 requests and may request a review by the City Attorney to assess disclosure requirements of the information requested.

3. Inspection of Records

3.1. A person making a public records request may personally inspect the requested documents.

3.2. The right to inspect documents does not include the right to rummage through file cabinets or file folders or the right to disassemble or change the order of materials in files or document binders.

3.3. Inspection of public documents shall occur during normal business hours unless pre-arranged at the discretion of the department.

3.4. Inspection of public documents shall occur at a time mutually convenient to the requestor and the city.

3.5. Original public documents shall not be taken out of the custody of the city.

3.6. A city staff member must be present while any original public records are being inspected to insure protection of the documents.

#### **4. Preparation of Cost Estimate**

4.1. When presented with a Level 2 or 3 public records request, the affected city department shall first prepare an estimated cost bill reflecting the full, actual cost of city staff time and materials required to complete the request, including time required for retrieval, copying, preparation, assisting the requestor, separating exempt from nonexempt records as provided by ORS192, organization of the results, and, if requested, delivery of the search results. The estimated cost bill may include a fee for the cost of City Attorney time spent in reviewing the public records and redacting or segregating material from the public records into exempt and nonexempt records.

4.2. The requestor will be notified if costs exceed the written estimate given. In addition, a refund will be given if costs are less than estimated.

4.3. The cost bill estimate for staff time shall be based on the staff person's regular hourly wage plus benefits and indirect costs multiplied by the time estimated to respond to the request. There will be no charge for the first half hour of staff time required to respond to a records request.

4.4. The cost to reproduce any material requested will be charged at a per page rate. A copy of the fee schedule will be provided to the requestor prior to any charges being incurred. If delivery of the search results is requested, mailing or delivering costs shall be included in the estimated cost bill.

#### **5. Deposit and Payment Requirements**

5.1. If the estimated cost is expected to be equal to or greater than \$100.00, the city shall require a deposit of \$100 towards the full amount of the estimate before expending any additional city resources toward responding to the document request.

5.2. The affected city department shall proceed to fulfill the request only upon receipt of the deposit. The City shall not release the search results until the City's full actual costs, calculated in accordance with this policy, are received in full.

#### **6. Waiver or Reduction of Fees**

6.1. Copies of public records may be furnished without cost, or at a reduced cost, if the City Manager determines that a waiver or reduction of fees is in the public interest because

making the records available primarily benefits the general public (ORS 192.324(5)). The process for a waiver or reduction of fees is as follows:

- 7.1.1 Requestor submits their request in writing, including their name and address, the purpose for which the documents are sought, the character of the information and whether the requestor can demonstrate the ability to disseminate the information to the public.
- 7.1.2 The City Manager reviews the request and may also consider the requestor's ability to pay and any financial hardship on the City that would arise from granting a waiver or reduction.
- 6.2. Any requestor disabled within the meaning of the Americans with Disabilities Act may not be charged any additional cost of providing records in an alternative form which ensures that communication of such requested materials to such an individual is as effective as communication with others.
- 6.3. Copies of routine materials requested by the news media will be made available without charge. Any request by the news media which requires more than one half hour of staff time will be charged according to this Administrative Regulation.
- 6.4. Copies of routine materials personal to the requestor will be furnished without charge, except for police reports. Any request which requires more than one half hour of staff time will be charged according to this Administrative Regulation.
- 6.5. Copies of routine materials requested by any Springfield public official or advisory committee member will be furnished without charge if the request relates to information needed in the requestor's official capacity.
- 6.6. The decision of the City Manager on any fee waiver or reduction is final.

## **Definitions**

1. "*Exempt Records*" are public records that do not need to be disclosed under ORS 192.345.
2. "*Public Record* (as defined in ORS 192.005)" is any information that:
  - 2.1 Is prepared, owned, used or retained by City of Springfield
  - 2.2 Relates to an activity, transaction or function of City of Springfield; and
  - 2.3 Is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of City of Springfield.
- 2.3.1 The following provisions apply to the definition of Public Record:

- Public records may exist in any format, including in paper form or in electronic form (including e-mail).
- Extra copies of a record, preserved only for convenience of reference, are not public records.
- Messages on voicemail or on other telephone messages storage and retrieval systems are not public records.
- Text messages and instant messages may constitute public records.

**Resources:**

1. [Springfield Municipal Code Section 2.305, Custody of Records](#)
2. [ORS 192.005\(5\) Public Record](#)
3. [ORS 192.324\(4\), establishing fees to reimburse public body](#)
4. [ORS 192.324\(5\), waiver or reduction of fees](#)
5. [ORS 192, records; public reports and meetings](#)