



OREGON YOUTH AUTHORITY
Policy Statement
Part I – Administrative Services



Subject

Public Records Requests

Section – Policy Number:

E: Information Management – 2.1

Supersedes:

I-E-2.1 (5/00)

Effective Date:

03/28/2011

Date of Last

Review/Revision:

None

Related Standards and References:

- [ORS 192.001](#) through 192.595 (Public Records Policy)
- [ORS 419A.255](#) (Maintenance; disclosure; providing transcript; exceptions to confidentiality)
- [OAR Chapter 416, Division 105](#) (Disclosure of Offender Case Record Information)
- [OAR Chapter 416, Division 130](#) (Inspection and Copying of Public Records)
- JJIS policy: [Disclosure of Juvenile Records](#)
- [OYA policy](#): I-E-1.2 (Response to Subpoenas)
 I-E-2.3 (Requests for Offender Records, Reports and Other Materials)
 I-E-3.1 (Information Asset Classification & Protection)
- [OYA forms](#): YA 0053 (Receipt of Public Records Request)
 YA 0054 (Confidentiality Form)

Related Procedures:

- None

Interpretation:

Director's Office

Approved:



Colette S. Peters, Director

I. PURPOSE:

This policy delineates how OYA staff respond to public records requests.

II. POLICY DEFINITIONS:

Public records: Includes any writing that contains 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. Public record does not include any writing that does not relate to the conduct of the public's business and that is contained on a privately owned computer.

Requestor: A person requesting disclosure of public records.

Writing: Handwriting, typewriting, printing, photographing, and every means of recording including letters, words, pictures, sounds or symbols, or combination thereof, and all papers, maps, files, facsimiles or electronic recordings.

III. **POLICY:**

Oregon laws require all agency public records be available upon request to any member of the public unless the record is specifically exempt from disclosure. As a state agency, OYA will adhere to this mandate and ensure public records not specifically exempt by law are released upon request.

This policy delineates how OYA staff respond to public records requests. Staff may orally provide disclosable **public information** to the public without a written request or release. Staff may refer to OYA policy I-E-3.2 (Information Asset Classification and Protection) to assist in determining what agency information is disclosable. Staff may refer to I-E-2.3 (Requests for Offender Records, Reports and Other Materials) to assist in determining what offender information is disclosable.

IV. **GENERAL STANDARDS:**

- A. OYA will respond to **written** requests from the public to view or receive copies of agency or offender records as soon as possible and without unreasonable delay.
 - 1. Staff may receive requests in person, by mail, or e-mail.
 - 2. Staff must forward all written requests for public records to the Public Policy and Government Relations Manager, or designee, for assignment.
 - 3. Written requests will be assigned to the facility or office that has custody of the requested record.
 - a) A supervisor/manager must review each request to determine if exemptions from public disclosure laws apply.
 - b) Staff may refer to OYA policies I-E-2.3 (Requests for Offender Records, Reports, and other Materials) and I-E-3.2 (Information Asset Classification and Protection) to help determine what records may be disclosed.
 - 4. Staff assigned to respond to the request will complete OYA form YA 0053 (Receipt of Public Records Request) and will mail the completed YA 0053 to the requestor as soon as possible.

If the records are disclosable, the form must include an estimate cost to reproduce the record payable by the requestor. If this is unknown, the form must indicate the estimate cost will be provided within a reasonable time.

5. Staff must receive payment for the requested records prior to completing the request. The requestor may decide not to continue with the request upon receipt of the YA 0053.

B. Response to Subpoenas

Staff must follow OYA policy I-E-1.2 (Responses to Subpoenas) when responding to a subpoena.

C. Fee Calculation

1. OYA will calculate fees for responding to public records requests in the following way:

- a) Ten cents per photocopied page.
- b) Labor charges that include researching, locating, compiling, redacting, or processing information and records regardless of the format of the records produced (e.g. CD, electronic, photocopy).

Labor charges are based on the hourly rate of the staff member(s) responding to the records request multiplied by the amount of time the staff member takes to perform tasks related to the request.

- c) Actual attorney fees charged to OYA for the cost of time spent by an attorney to review the public records, redact material from the public records, and segregate the public records into exempt and nonexempt records.
- d) OYA will not charge additional fees for faxing records or sending records electronically.
- e) Records, upon request, may be placed on a compact disc (CD) provided they exist in an appropriate format for copying. CD costs are \$5.00 each.
- f) OYA will charge the actual cost for use of material and equipment for producing copies of non-standard records.
- g) OYA may charge for the actual cost for delivery of records such as postage and courier fees.

2. OYA may furnish copies of public records or allow for inspection of records without charge or a substantially reduced fee if OYA determines that the waiver or reduction of fees is in the public interest because making the records available benefits the general public.

- a) The Director's Office is responsible for determining if the fee reduction or waiver for record production or inspection will occur.
- b) The Director's Office will consider the following when evaluating a request for a fee reduction or waiver:
 - (1) The requestor's commercial interest and ability to pay;
 - (2) The extent of time and expense and interference with the business of the agency;
 - (3) The extent of the volume of records;
 - (4) The necessity to segregate exempt from non-exempt materials; and
 - (5) The extent to which an examination of the records by the requestor is insufficient for the public interest or for the particular needs of the requestor.

D. Records Inspection

Upon written request, OYA may provide a place for a requestor to view records.

- 1. OYA staff must establish a reasonable time with the requestor during which the records may be inspected.
- 2. Records that contain confidential information will be copied and redacted prior to granting access to view. The requestor may only view the redacted record.
- 3. OYA staff must supervise the record review to ensure the record is not altered.
- 4. The requestor may designate pages to be copied, or may request copies of specific information contained in the record.

Only OYA staff may copy the designated material.
- 5. An offender may review his/her case file as described above and in accordance with OYA policy I-E-2.3 (Requests for Offender Records, Reports, and Materials). Staff must refer to the "Records Request Matrix" to ensure proper disclosure.

E. Staff will contact the local OYA archive representative to request an archived file.

F. Appeal of Public Records Request Denial

1. If a public records request is denied, the staff member denying the request must notify the requestor of the right to appeal the decision. Staff must use OYA form YA 0053 to document the notification.
 2. The notification must indicate the requestor may appeal the denial within seven days of receipt of the denial by writing to the staff member indicated on the YA 0053 notice and requesting an appeal.
 3. Upon receipt of the appeal request, staff must immediately contact the Director's Office to coordinate the agency's response.
- G. Individuals may request that a home address or personal telephone number be exempt from public disclosure by OYA if the personal safety of the individual or a family member residing with the individual is in danger.

1. Requests must be submitted in writing, signed by the individual, and include the name or description of the public record that contains the information, the mailing address for the individual, and evidence to establish that record release would constitute a danger.

Evidence includes:

- (a) An affidavit, medical record, police report or court record showing that the individual is a victim of domestic violence.
- (b) A citation or an order issued for the protection of the individual.
- (c) An affidavit or police report showing that a law enforcement officer has been contacted concerning domestic violence, other physical abuse or threatening or harassing letters or telephone calls directed at the individual.
- (d) Court records showing that criminal or civil proceedings have been filed regarding physical protection.
- (e) A temporary restraining order or other no-contact order.
- (f) A citation or court's stalking protective order.
- (g) An affidavit or police report showing that the individual has been a victim of a person convicted of the crime of stalking or violating a court's stalking protective order.
- (h) A conditional release agreement providing protection for the individual.
- (i) A protective order issued to protect the identity or place of residence.

- (j) An affidavit from a district attorney or deputy district attorney stating that the person is scheduled to testify or has testified as a witness at a criminal trial, grand jury hearing or preliminary hearing and that such testimony places the personal safety of the witness in danger.
 - (k) A court order stating that the person is or has been a party, juror, judge, attorney or involved in some other capacity in a trial, grand jury proceeding or other court proceeding and that such involvement places the person in danger.
 - (l) Other documentary evidence that establishes to the satisfaction of the public body that disclosure of the information would constitute a danger to the person.
2. OYA must notify the individual in writing of its decision on exempting the home address or telephone number from public disclosure. If the request is granted, the exemption is valid for five years, unless the individual sends OYA a written request to terminate the exemption.

V. LOCAL OPERATING PROTOCOL REQUIRED: NO