

# WALLOWA COUNTY

## Public Information/Records Request Policy

**Section 1.** Per Oregon Revised Statute 192.420 every person has the right to inspect any non-exempt public record held by a public body. Requests for such Wallowa County records must be made under the Oregon Public Records Law and in accordance with the rules of this policy.

**Section 2. Written requests.** Unless otherwise provided in this policy, requests for inspection and/or copies of public records must be in writing, preferably on the form prescribed by the County, or in other written form sufficient for the County to provide an appropriate response.

**Section 3. Levels of Request and Staff Response.** The purpose of this policy is to help provide accurate records to the public in a reasonable time. In order to accommodate the purpose of this policy, levels of requests have been established.

**Level 1 Request.** Does not require a written request or payment of a fee and can be provided by any staff member. Requested records must be current and readily available, require very little or no duplication or printing, may not be subject to the public records fee schedule, and must require no additional staff time or resources to be made available. These types of records are intended for public distribution, such as informational brochures, agendas, permit applications, job applications, or election-related petitions. Included in this type of request are requests for traditionally public information typically provided verbally that may be contained in digital format, that is routinely provided to the public at their request such as tax or real estate identification information.

**Level 2 Request.** Any request that does not otherwise qualify as a Level 1 Request shall be considered a Level 2 Request and shall be in writing and processed in accordance with the provisions of this ordinance. Publicly recorded documents maintained at the Wallowa County Clerk's office are not subject to the provisions of this policy, except insofar as staff time is necessary to locate documents pursuant to a public request and fees required for the copying of public documents. Documents maintained at the Wallowa County Clerk's Office that are not recorded are subject to processing under the provisions of this ordinance.

### **Section 4. Procedures for Level 2 Requests.**

4.1 Requests for public records inspection or copying shall include the following:

- a) The name, address and signature of the person making the request or their authorized representative.
- b) A statement of sufficient specificity to allow County staff to determine the nature, content and probable department within which such record may be located. If it is not clear what records are being requested for inspection or copying, staff may contact the requesting individual for more information.
- c) The date of such request.
- d) In certain circumstances, the reason for the request may be relevant to the decision as to whether a particular record is exempt from disclosure or subject to waiver of the relevant fees, in which case the person making the request may be asked for the purpose for which the record is sought to be inspected or copied.
- e) Upon receipt by County staff, the request form shall be date stamped with the date of receipt.

- 4.2 Except as otherwise provided by these rules, public records will not be released for inspection or copies provided to the requestor unless the County receives payment of the required estimated fee from the requesting party. The person making the request will be informed that the requested records will not be released without payment of the fee required by this policy. Failure to inform the requesting party of this requirement does not relieve the requesting party of the obligation to pay the required fee.
- 4.3 Written requests for inspection or copies of County records shall be submitted to Wallowa County Clerk who shall keep on file a list of fees prescribed by the County Commission for processing public records/information requests and who shall see that all such requests are responded to in accordance with this policy.
- 4.4 The County shall respond in writing as having received the request within five business days of receipt of the request, except as required by extraordinary circumstances. Such response may include one of the following:
- a) A statement that the County is not in possession of the requested records;
  - b) A request for clarification if the records request is unclear;
  - c) A statement that the County is in possession of at least some of the requested records, the amount of time needed to review the records for release and copy them if they are to be released, and a cost estimate for providing the records;
  - d) A statement that the County is uncertain if it is in possession of the records and the amount of time needed to search for the records; or
  - e) A statement that the public records are exempted from public disclosure under State or Federal laws.

If after review of the request and the relevant documents or information the County is unable to comply with a request due to statutory exemption, a written response explaining why the County is unable to process the request will be mailed to the requesting party.

**Section 5. Inspection of Records.** Inspection of records will occur by appointment only, during the regular County business hours of the department within which the requested records are maintained. Records inspections will not be allowed to interfere with the regular discharge of staff duties, nor postpone or disrupt current or on-going matters of County business. All records shall be inspected on or at County facilities. A person making a public records request may personally inspect the requested records, but the right to inspect records does not include the right to access file cabinets, computers, or the right to disassemble or change the order of records in files or binders. Original records may not leave the custody of the County department at which place the inspection is occurring. A county staff member must be present while any records are inspected to ensure protection of the records. There will be no more than two (2) persons plus one (1) staff member in the room to inspect the records. If any person attempts to alter, remove, or destroy any record, County staff shall immediately terminate review and notify County Counsel and the Wallowa County Sheriff's Office.

**Section 6. Copies of Records.** The cost of copies will be set out in a fee schedule, which will be approved by resolution. All records shall be copied at Wallowa County's place of business, unless staff coordinates for a third party vendor to copy the records. If the record is maintained in a machine readable or electronic form, the County shall provide copies of the public record in the form requested, if available. If not available in the form requested, it shall be made available in the form in which it is maintained. After the records have been identified, reviewed and copied, the requestor will be called in order to make arrangements for pickup or mailing of the records. The requestor may be required to pay the cost of shipping in advance for large volumes of records or unwieldy documents that will be difficult or costly to ship.

**Section 7. Preparation of Cost Estimate.** Upon receipt of a records request, County staff will first prepare a cost estimate reflecting the cost of staff time and materials required to make the records available. Cost estimates will include costs of summarizing, compiling, or redacting information from the public records if necessary, within organization or media, in order to meet the request. Additional costs, to include observation of inspection, will be added if requestor decides to inspect the records.

These costs shall include, but not be limited to, personnel costs. Personnel costs shall include, but are not limited to, staff's time spent while locating, reviewing, and copying the records and supervising public inspection of the records. Costs shall be assessed at an hourly rate.

Requests for copying or inspection of records may be subject to review by County Counsel and subject to additional fees as set forth on the attached fee schedule.

**Section 8. Deposit and Payment requirements.** If the estimated cost to comply with a records request is \$25.00 or more, the County may require a deposit in the full amount of the estimated costs before expending additional County resources on the request. County staff will begin work on the request only upon receipt of the deposit. If the actual cost of completing the request exceeds the estimate, the County will not release the search results until the County's actual costs are received in full. If the actual cost of responding to the request is less than the estimated cost, then the balance of the deposit will be refunded promptly. If the estimated cost is less than \$25.00, County staff will begin to process the request and will present a bill for the actual costs payable in full upon completion of the request. Staff will not release the records until the total costs are paid in full. Payment will be in the form generally accepted for County purchases.

**Section 9. Exemption from Fees.** The following individuals, groups, or organizations shall not be charged a fee for photocopying costs up to 20 copies or the first 1 hour of staff time required to process a public information request. If it is determined that a specific request under this section will take longer than 1 hour or cost in excess of \$50.00 to process, the requesting party may ask the County Commission to reduce or waive all additional fees associated with providing the requested record:

- a) any person requesting public record pertaining to a matter specifically affecting the requestor that is pending before the County Commission or other Board or Commission of the County;
- b) any other government agency or the media;

A requestor disabled within the definition of the Americans with Disabilities Act shall not be charged for any additional fees that may be incurred in complying with the request if those costs were due solely to the requestor's disability.

The decision of the County Commission on any fee waiver or reduction shall be issued in writing, is final and not subject to appeal or reconsideration.

**WALLOWA COUNTY**  
**Public Information/Records Request Form**

“Public Information” is defined in Oregon Revised Statute 192.410 – 192.500 and in the Oregon Attorney General’s Public Meetings and Records Manual. The sources referenced also list several limited circumstances under which a public body may decline to release certain information. Because the identity and motive of the person seeking disclosure of a particular public record may be relevant in determining whether a record is exempt from mandatory disclosure under a conditional exemption or may be subject to a waiver of relevant fees, **please provide the following information:**

**Requestor’s Identity:**

Name: \_\_\_\_\_ Date of Request: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip: \_\_\_\_\_ Telephone: \_\_\_\_\_

\_\_\_\_\_  
Signature of Requestor

**Requested Information/Records:** Please give a brief statement describing the requested information/records. Be specific enough for the County to determine the nature, content and probable department where the record you request may be located.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Purpose of Request:** Please give a brief statement as to the purpose of your request.

\_\_\_\_\_  
\_\_\_\_\_

All requests for inspection or copies of County records shall be submitted to the County Clerk for forwarding to the appropriate department. Wallowa County’s response will be pursuant to the Wallowa County Public Records Request Policy. A copy of the policy is attached for your review, including the relevant fee schedule. In most cases there will be a fee charged for providing this service. Payment of the fee must be received prior to the release of the requested materials or the availability for inspection. The appropriate department will advise you of the fee required for your request.



Date Request Received: \_\_\_\_\_ Number of Copies: \_\_\_\_\_ @ \$.\_\_\_\_\_ each \$\_\_\_\_\_

Staff Time: \_\_\_\_\_ hours @ \$ \_\_\_\_\_ per hour \$\_\_\_\_\_

Other Charges \_\_\_\_\_ \$\_\_\_\_\_

TOTAL DUE \$ \_\_\_\_\_