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## Administrative Rules

### Rule 1.4.5 Public Records Policy

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#### I. Background

Deschutes Public Library District (District) is a municipal corporation of the State of Oregon and is bound by the Oregon Public Records Law (ORS 192.410 to ORS 192.505). Oregon Public Records Law allows the District to establish fees reasonably calculated to reimburse the District for the District's actual cost of making public records available, including costs for summarizing, compiling or tailoring the public records, either in organization or media, in response to a request.

Oregon Public Records Law allows the District to include in a public records fee the cost of time spent by an attorney for the District in reviewing the public records, redacting material from the public records or segregating the public records into exempt and nonexempt records. The District may not include in a public records fee the cost of time spent by an attorney for the District in determining whether requested records are subject to disclosure

#### II. Purpose

The District establishes this Public Records Request Policy per ORS 192.410 through 192.505. The following summarizes how District will furnish proper and reasonable opportunities for the examination of non-exempt District public records. This policy does not require the District to produce or create new records, information, or extract data upon request.

#### III. Record Requests

Requests for District public records must be submitted in writing, on the form attached to this Policy as Appendix A, to:

Todd Dunkelberg  
District Office Administrator  
Deschutes Public Library District  
601 NW Wall St  
Bend, OR 97703  
(541) 312-1021  
Email: [toddd@deschuteslibrary.org](mailto:toddd@deschuteslibrary.org)

At a minimum, requests must include:

- A. The name and address of, and sufficient contact information for, the person requesting the public records;
- B. The date of the request; and
- C. A detailed description of the record(s) requested, including subject matter and year(s) of creation. Sufficient keywords must be provided to locate requested electronic records.

#### **IV. Types of Requests**

- A. Level 1:** Requested records must be readily available and able to be provided with no more than 10 minutes of staff time. Level 1 records require no duplication (hard copy or digitization) or redaction. Level 1 requests are not subject to the Public Records Fee Schedule, and requested records will be provided with the District Acknowledgment, per Section V.A.
- B. Level 2:** Requested records are not immediately accessible, but can be accessed with no more than 30 minutes of staff time. Level 2 records must not include exempt information or require attorney review prior to release. Also, Level 2 records must not be more than one-year-old nor exceed 50 pages.
- C. Level 3:** Level 3 requests are complex, involve multiple staff, or require more than 30 minutes of staff time. Such requests may involve extensive research or compilation of records. Any request requiring legal review falls within this Level 3 category.

#### **V. District Response**

- A. Acknowledgment.** Within five (5) business days of receipt by the District Office Administrator, District will acknowledge receipt of a request per the acknowledgment portion of the attached Appendix A.
- B. Completion.** Except as provided in subsection V.C, within ten (10) business days after the acknowledgement period, receipt or waiver of any estimated fees, or receipt of any requested additional information, District shall send requestor a response in the form attached as Appendix B to this policy and either: (1) complete the public records request; or (2) provide a written statement to the requestor that the District is processing the request and a reasonable estimated date by which the District expects to complete its response based on the information currently available.
- C. Exception.** The District shall acknowledge a public records request and complete its response as soon as practicable and without unreasonable delay, rather than complying with the time periods set in Sections V.A and V.B if those time periods are impracticable because:
  - 1. Staff necessary to complete a response to the public records request are on leave or are not scheduled to work;
  - 2. Compliance would demonstrably impede District's ability to perform other necessary services; or
  - 3. Of the volume of public records requests being simultaneously processed by the District.

#### **VI. Fees**

The Public Records Fee Schedule governing District responses to public record requests is attached as Appendix C. The Public Records Fee Schedule is available from Library Administration and online at [Deschuteslibrary.org](http://Deschuteslibrary.org). District's actual costs to respond to a request must be paid per the Public Records Fee Schedule prior to a record's release or as follows:

- A. Cost Estimate. After acknowledging a Level 2 or 3 request, per Section 4.A, staff will prepare a cost estimate reasonably calculated to reimburse the District for its actual costs in making such records available. A cost estimate includes, but is not limited to, the District's incurred costs, plus staff time, for: summarizing, compiling, or tailoring a record (either in organization or media) to meet the person's request; locating the requested records; reviewing the records in order to separate exempt from non-exempt material as provided by ORS 192.505; supervising a person's inspection of original documents in order to protect the records; copying records; certifying document as true copies; or sending records by special method such as express mail; and attorney time to review and segregate records.
- B. Deposit. District will provide the prepared cost estimate to the requestor and will require a deposit for estimates over \$25 before expending additional District resources on the request. District staff will begin work on the request after the receipt of the deposit. If the actual cost of completing the request exceeds the estimate, the District will not release records until the District's actual costs are paid in full. If the actual cost of responding to a request is less than the estimated cost, then the balance of the deposit will be refunded promptly. ***District shall close any public records request if a requestor fails to pay the estimated or reduced fee within 60 days of the date on which the District informed the requestor of the requirement for pre-payment of fees.***
- C. Fee Waivers or Reductions:
  - i. Requests for fee waivers or reductions must be submitted in writing and include the requestor's name, address, basis for the request, and explanation of how the request primarily benefits the general public interest.
  - ii. District may consider whether the requestor can demonstrate the ability to disseminate the information to the public or otherwise benefit the general public with the information. District may consider the requestor's ability to pay and any financial hardship on District that would arise from granting a waiver.
  - iii. Fee waiver or reduction requests from news media for Level 2 records will be granted. Fee waiver or reduction requests from the news media for Level 3 records may be granted in whole or in part, or denied and charged in accordance with the District's Public Records Fee Schedule.
  - iv. The decision of the Executive Director or designee on any fee waiver or reduction is final.

## VII. District Response

- A. A person making a public records request may personally inspect the requested records within District Headquarters, during regular District business hours, by appointment only. The right to inspect records does not include the right to access file cabinets or the right to disassemble or change the order of records in files or binders. Original records may not leave the custody of the District. A District staff member must be present at all times while records are inspected. District staff shall immediately terminate a review if a person attempts to alter, remove or destroy any record.
- B. District will allow persons requesting copyrighted records to inspect those records, and may allow limited copying of such records if authorized by Federal copyright law. District may require the requestor to obtain written consent from the copyright holder before allowing copying of such materials.

**Appendix A**  
**DESCHUTES PUBLIC LIBRARY**  
**DISTRICT**  
**Public Record Request**

Name: \_\_\_\_\_ Daytime Phone #: \_\_\_\_\_

Address (City/State/Zip Code): \_\_\_\_\_

Email address: \_\_\_\_\_

Preferred method of contact:

Phone  Email  US Mail

Request is for:  Inspection of Public Record (Reviewed at District Headquarters)  Copies of Public Record(s)

**Information Requested:** Please be specific and provide as much detail as possible to allow District staff to determine the requested records' nature, content source, including dates and key words:

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

How would you like to receive these records?

Pick up at District Headquarters  Emailed  US Mail (cost of postage will be added)

**REQUESTOR TO READ AND SIGN UPON SUBMITTING REQUEST**

I understand that every person has a right to inspect any public record of a public body in this state, except as otherwise expressly provided by ORS 192.501 to 192.505. Further, I understand that fees may be charged to reimburse the District for its actual costs in making the records available. Such calculation may include staff time, costs for summarizing, compiling, or tailoring a record to meet my request. Copies of large documents are sometimes taken to a commercial copy business. For those documents, the fee will be actual cost plus staff time. I hereby request that the District Records Clerk produce, as best to the Clerk's ability, the records specified above. Any fees must be paid prior to release of the record(s) requested. A deposit for fees, based on the estimated cost, will be required for any estimate above \$25.00. For estimates above \$25.00, the District will provide a written estimate of the cost, and will seek confirmation to proceed or cancel the request. I understand that if the fee is not paid or additional requested information is not provided within 60 days, the request will be closed.

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date Submitted

**FOR OFFICE USE ONLY**

Date request acknowledged: \_\_\_\_/\_\_\_\_/\_\_\_\_

Estimated completion date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Info compiled by: \_\_\_\_\_

Date completed: \_\_\_\_\_

Amount due: \_\_\_\_\_

Date notified: \_\_\_\_\_

Receipt date : \_\_\_\_\_

Date picked up/mailed: \_\_\_\_/\_\_\_\_/\_\_\_\_

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**Procedure for Public Records Request**

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1. Complete and return the Records Request form with as much detailed information as you can.
  2. The District will provide a written cost estimate and MUST receive confirmation that you want the District to proceed with your request.
  3. The District will contact you with the estimate and a time the records will be available for inspection.
  4. If you request to inspect records at District Headquarters, you will be informed of the next available time for such inspection. A place for ONE person to review the files will be provided. One file at a time will be made available. When you are through with the file, return it to receive the next file. Any pages to be copied should be marked with sticky notes provided by District.
  5. When you complete your inspection, return the last file. If staff is available, requested pages will be copied at that time. If staff is not available, you will be informed via your performed method of contact once staff has copied the requested pages.
    6. If more than one person wants to review your requested records at the same time, reservations must be made in advance for a conference room. A research fee will be charged to cover staff's time to remain in the room with the files.
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**RECORDS OFFICER ACKNOWLEDGMENT OF REQUEST:**

- The District is the custodian of the requested records.
- The District is NOT the custodian of the requested records. This completes the request and no further action is required.
- The District is unsure whether it is the custodian of the requested records. We will search for the record and make an appropriate response as soon as practicable.
- Additional details: [if needed, specify which records the District is the custodian, which the District is not the custodian, and which records the District is unsure about]
- We request the following additional information to clarify and/or expedite the request: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- Copies of the requested record(s) are attached, or are available on the District's website: [deschuteslibrary.org](http://deschuteslibrary.org).

## Appendix B

### Sample District Response Letter

[DATE]

To: [Insert Requestor information]

This letter is in response to your public records request. On [date], the Deschutes Public Library District (District) received your request for the following record(s):

“[Describe records requested].”

Having reviewed your request, we are able to inform you that:

\_\_\_ Copies of [all/the following] requested public records are enclosed or can be accessed at:

[Describe what records are enclosed; describe where to access records – e.g. providing the website link satisfies this requirement;]

\_\_\_ District asserts exemptions to the following requested record(s):

[State record(s) and which exemption(s) apply]

\_\_\_ District is not the custodian of record for the following requested records:

[Insert any records of which District is not the custodian]

\_\_\_ State/federal law prohibits District from acknowledging whether the requested record[s] exist[s]. [Cite to relevant state/federal law.]

\_\_\_ District is unable to acknowledge whether the requested record[s] exist[s] because that acknowledgement would result in [the loss of federal benefits/other sanction]. [Cite to relevant state/federal law.]

\_\_\_ The District is still processing your request and expects to complete its response by \_\_\_\_\_, \_\_\_\_, based on the information currently available.

You may seek review of the District’s determination that any of the requested documents are exempt from public disclosure pursuant to ORS 192.450, 192.460, 192.465, 192.470, 192.480 and 192.490.

Sincerely,

\_\_\_\_\_,  
Records Clerk, Deschutes Public Library District

## Appendix C

### Fee Schedule

The District's nominal fees for search, review, release and copying of any public record, including photographs, are as follows:

1. Copies of public records are \$0.10 per page for letter size copies and \$0.25 per copy for legal size copies. Double-sided copies count as two (2) pages. If a request is for a certified copy of a record, the requester will be charged an additional \$1.00 per record.
2. Charges for tape recordings and other electronically stored materials will be calculated based upon the actual cost of the tape, computer disc, etc., plus the time required to make the copy, computed as provided in paragraph Section 3 of this fee schedule.
3. If a request for District records requires personnel to spend more than 15 minutes collecting or reviewing the requested records prior to their release or copying, the requester will be billed at the rate of \$20.00 per hour for each staff member involved, with a minimum of one half hour (\$10.00) charge. Additional charges shall be in ¼ hour increments. The total staff time to collect and review the requested records will be estimated by the District, and the estimated fee must be deposited with the District before District personnel will begin collecting, reviewing or copying the requested records. If the amount of time involved is less than estimated, the excess deposit shall be refunded to the requester. If the actual cost exceeds the deposit, the difference must be paid by the requester before the requested documents will be provided. The actual costs of research will be billed to the requester even if District personnel are unable to locate the requested records, or the District determines that the requested records are exempt from disclosure under the Public Records Act.
4. A change in the format of a record (for example, paper records scanned and saved onto a disc) will be billed for actual time it takes to convert the record to a new format, plus any additional costs associated with the change in format. Staff time will be computed as provided in Section 3 of this Fee Schedule. Changes of format calculated to address the requirements of the Americans with Disabilities Act will not incur any additional charge.
5. The District may furnish records without charge or at a substantially reduced fee if the Board or Executive Director determines that the waiver or reduction of fees is in the public interest because making the record available primarily benefits the general public.
6. If a request is of such size, complexity, or nature that compliance would disrupt the District's normal operation, separate arrangements will need to be made prior to such a release of records in accordance with advice from legal counsel.
7. If the request requires advice from the District's attorney, the requester will be billed for the actual cost to the District of the time spent by the District's attorney to review, redact and

segregate the records. The District will not charge a requester for time spent by the District's attorney in determining the application of the Public Records Law to the request.

8. If the estimated fee to respond to a request is more than \$25.00, the District will provide a written cost estimate to the requester and will take no further action until the District receives confirmation that the requester wants the District to respond to the request and agrees to pay the applicable fees.

At no time will original records or photographs of the District be removed from the District's files or from the place of regular record retention. Original District records and/or photographs may not be reviewed unless District personnel are available to oversee that review. The charge for District personnel time for monitoring an in-person review of District records will be computed as provided in Section 3 of this fee schedule.