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Owner:	<i>Lauren Simms: Administration Exec Asst</i>
Policy Area:	<i>Administration</i>
References:	

## Inspection of Public Records

### Definitions

**Public Record:** Includes any writing that contains information relating to the conduct of the public's business regardless of physical form.

**Public Body:** Includes special district, municipal corporation, and any board, department, commission, council, or agency thereof.

**Business Day:** A day other than Saturday, Sunday or a legal holiday on which at least one paid employee that received the public records request is scheduled to and does report to work.

### Policy

Lake Health District (LHD or District) shall comply with the Oregon Inspection of Public Records Law which states that person have a right to inspect any public record of a public body in Oregon except as expressly exempted.

### Scope

**Specificity of Request:** In order to facilitate public access to records in the District's possession and to avoid unnecessary expenditure of staff time, persons requesting access to public records for inspection or copying, or who submit written requests for copies of public records, shall specify the records requested with particularity, furnishing the dates, subject matter and such other detail as may be necessary to enable District personnel to readily locate the records sought.

**Access:** The District shall permit inspection and examination of its non-exempt public records during regular business hours in the District's offices, or such other locations as the District Administrator may reasonably designate from time to time.

**Form:** Copies of non-exempt public records maintained in machine readable or electronic form shall be furnished in the form requested. If not available in the form requested, such records shall be made available in the form in which they are maintained.

### Procedure

If LHD receives a written request to inspect or receive a copy of a public record, LHD shall provide to the requester

- a. A copy of the public record if it is of a nature to permit copying; or
- b. A reasonable opportunity to inspect or copy the public record.

**Within five business days** after receiving the request, LHD shall acknowledge receipt of the request or complete a response to the request. An acknowledgement will:

- a. Confirm that LHD is the custodian of the record;
- b. Inform the requester that LHD is not the custodian of the record; or
- c. Notify the requester that LHD is uncertain whether it is the custodian of the record.

There is then an additional 10 business days to fulfill the request or issue a written response estimating how long fulfillment will take. The District is not subject to this response time frame if it is awaiting a response from the requester seeking clarification of the inquiry or if the requester has not agreed to pay for the records, provided that the cost is \$25 or more. If the requester fails to respond within 60 days to a good faith request from LHD for information or clarification, LHD shall close the request. Other considerations that apply are:

- Complicated requests
- Large volume of requests
- Requests involving documents not readily available or if the necessary staff are unavailable to fulfill the request

#### **Fees for Public Records**

Fees must be limited to no more than \$25.00 unless the requester is provided with a written notification of the estimated amount of the fee and the requester confirms that he/she wants the public body to proceed.

In order to recover its costs for responding to public records requests, the following fee schedule is adopted by the District:

- Copies of public records shall be \$1.00 per copy for standard, letter size copies. Copies shall be certified for an additional charge of \$10.00.
- Copies of sound recordings of meetings shall be \$5.00 per copy.
- Charges for copying maps or other nonstandard size documents shall be charged in accordance with the actual costs incurred by the District.
- Research Fees: If a request for records requires District personnel to spend more than 15 minutes searching or reviewing records prior to their review or release for copying, the minimum fee shall be \$50.00 hour and additional charges shall be in ¼ hour increments. The District shall estimate the total amount of time required to respond to the records request, and the person making the request shall make payment for the estimated cost of the search and copying of the records in advance. If the actual time and costs are less than estimated, the excess money shall be refunded to the person requesting the records. If the actual costs and time are in excess of the estimated time, the difference shall be paid by the person requesting the records at the time the records are produced.
- Additional Charges: If a request is of such magnitude and nature that compliance would disrupt the District's normal operation, the District may impose such additional charges as are necessary to reimburse the District for its actual costs of producing the records. This may include 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.
- Reduced Fee or Free Copies: Whenever it determines that furnishing copies of public records in its possession at a reduced fee or without costs would be in the public interest, the Board or District Administrator may so authorize.

### Authorization Required for Removal of Original Records

At no time shall an original record of the District be removed from the District's files or the place at which the record is regularly maintained, except upon authorization of the Board of Directors or Administrator of the District.

### On-Site Review of Original Records

If a request to review original records is made, the District shall permit such a review provided that search fees are paid in advance in accordance with the Fees for Public Records section, above. A representative shall be present at any time original records are reviewed, and the charges for standing by while the records are reviewed shall be the same as the charges for searching or reviewing records.

### Unauthorized Alteration, Removal, or Destruction of Records

If any person attempts to alter, remove or destroy any District record, the District representative shall immediately terminate such person's review, and notify the Administrator for the District.

## References

ORS 192.311-192.324, 192.345, 192.360-192.365, 192.398, 192.411-192.431, and 442.420(3)(d)

All revision dates:

5/22/2020

## Attachments

[Public Records Request](#)

## Approval Signatures

Step Description	Approver	Date
Chief Executive Officer	Charlie Tveit: Chief Executive Officer	11/9/2022
Executive Administrative Asst.	Suzanne Philbeck: Executive Administrative Asst.	11/7/2022