



ADMINISTRATIVE PROCEDURES

Section: City Manager

Subject: Public Records Request Policy

Effective Date: August 2010
Revised February 22, 2012
Revised February 2019

Procedure No.: 15

Purpose: Oregon Public Records Law (ORS 192.410-192.505) gives everyone the right to inspect all non-exempt public records maintained by a public body. A public record is defined by ORS 192.410 (4) as “any writing that contains information relating to the conduct of the public’s business, including but not limited to court records, mortgages, and deed records, prepared, owned, used or retained by a public body regardless of physical form or characteristics.” The intent of this policy is to create a clear and consistent procedure that facilitates a response to public records requests that complies with Oregon law.

Procedure: Requests to inspect or receive copies of public records must be made in writing. Unless otherwise provided by this policy, requests for inspection and/or copies of public records shall be submitted on a form prescribed by the City. Forms are available at www.ci.oswego.or.us/citymanager/public-records-requests. Webform requests are sent automatically to the City Recorder’s email; other forms may be attached to an email to cityrecorder@lakeoswego.city. Requests may also be delivered in person or by mail to the City Recorder’s Office at 380 A Avenue, PO Box 369, Lake Oswego, OR 97034.

1. Requests for public records shall include the following:
 - a. The name, address and contact information of the person making the request or their authorized representative.
 - b. A statement of sufficient specificity to determine the nature, content and probable department within which such record may be located.
2. Hand-written requests shall be date stamped.
3. The City shall provide the person making the request (“requestor”) with an estimate of the costs of making such records available for inspection or providing copies as identified in the [Master Fees and Charges](#) schedule. The City shall also advise the requestor that the requested materials will not be released before the City’s receipt of the fee.

4. Per State law, the City shall follow timelines as required under ORS 192:
 - a. Within five business days the City will acknowledge all records requests in writing. This acknowledgement will:
 1. Confirm that the public body is the custodian of the requested record; or
 2. Inform the requestor that the public body is not the custodian of the requested record; or
 3. Notify the requestor that the public body is uncertain whether the public body is the custodian of the requested record.
 4. Provide a cost estimate with notice that payment must be received before the request is processed.
5. As soon as reasonably possible, not later than ten business days after the date by which a public body is required by ORS 192.440 to acknowledge receipt of the request, staff will either complete its response to the request, or provide a written statement that the City is processing the request along with an estimated date by which staff expects to complete its response. If staff is unavailable to complete request, compliance impedes public service, or the volume of requests being simultaneously processed causes a delay, the City Recorder will provide an explanation and estimate of amount of additional time the request will require to fill.
6. Routine requests will be handled in coordination with the appropriate City department. More complex written requests, or requests that implicate application of statutory exemption from disclosure shall be submitted to the City Attorney, who shall determine if a request can be complied with and direct the City Recorder or his/her designee whether to comply with the request.
7. If the request cannot be complied with, a written response explaining why the City is unable to process the request shall be prepared by the City Recorder and sent to the requesting party.
 - a. Per state law, a person who has submitted a written public records request in compliance with City policy may seek review of the following, in the same manner as the person petitions when inspection of a public record is denied under ORS 192.410 to 192.505. When a person wants to appeal the record, they can do so through the Attorney General, the district attorney or the court as each have equal authority under the law.
8. The City will close the request upon either providing the requested records, notifying of the claim of exemption, or any appeal period has passed or the appeal is resolved. If a requester fails to pay a fee within 60 days of the date the City informed the requester of the fee, or fails to pay the fee within 60 days of the date the City informed the requester of the denial of the fee waiver, the City will

consider the request closed. If the requestor fails to respond within 60 days to a good faith request from staff for information or clarification, staff shall close the request without any further obligation to the requestor.

Fees. When establishing the fees to be charged to the requesting party for meeting public information requests, the City Manager or his/her designee shall base such fees on costs the City incurs for processing the request. These costs shall include, but not be limited to, personnel costs and costs associated with materials used in processing the request. Fees associated with public records requests are set by the City of Lake Oswego's [Master Fees and Charges](#) schedule. All estimated costs exceeding \$20.00 must be paid before the records can be made available for inspection or copies provided. When the estimate exceeds actual cost, the overpayment shall be refunded by the City in a timely manner.

1. Personnel costs include, but are not limited to, employee's time spent while locating, compiling, reviewing, separating and copying records, including time required to segregate or redact exempt information and time spent supervising public inspection of records. Costs shall be at an hourly rate equivalent to the salary plus benefits (computed at an hourly rate) of each employee involved in processing the request. The fee will be charged based on the salary of the employee needed to secure the requested information.
2. Electronic transmittal of all record formats results in cost savings to the requestor, and is therefore preferred.
3. City personnel are not to reduce copy size or otherwise manipulate records in order to fit additional records on a page thereby reducing per page costs, unless concluding it would be the most effective use of their time. To conserve paper, copies should be double-sided when it is practical to do so. A double-sided copy consists of two pages for purposes of calculating the appropriate costs.

City Manager Authority. The City Manager or his/her designee shall have the authority to:

1. Waive the requirement that the request must be in writing on a form provided by the City;
2. Waive fees if the request requires less than fifteen minutes of staff time to process or can be furnished by directing the requestor to records available in the City's public record repository;
3. Waive required compliance with this policy in special cases where the public interest in supplying a public record free of charge outweighs the cost of furnishing the record;
4. Establish a particular charge or fee for routinely-requested documents where the charge is a reasonable approximation of the City's cost.

Records Requested for Court Proceedings. The City shall not charge fees or costs incurred by the City when an employee of the City, in the employee's role as custodian of the records, is a witness in a trial or other court proceeding. When the City is a party, or representative of a party, to a court proceeding and a request for copies of public records is made by a party to a court proceeding in the course of discovery, then the cost to be charged for providing such copies shall be limited to those indicated above.