



Agency: Oregon State Marine Board

Number: OSMB 08-0001

Subject: Public Record Requests

Effective Date: 1-1-2008

Policy: Oregon's Public Records Law provides that every person has a right to inspect any public records of a public body, except records that are exempt from disclosure.

Purpose: To provide guidelines for responding to public records requests.

Authority: OAR 250-001-0020; ORS 192.410 to 192.505

Procedure: Public records, except those exempt from disclosure, will be made available upon request for review and copies will be provided at a fee reasonably calculated.

Making a Public Records Request

A request for public records that are in the custody of OSMB may be made by submitting a written request to:

June LeTarte, Executive Assistant
Oregon State Marine Board
Office of the Director
435 Commercial Street NE #400
PO Box 14145, Salem OR 97309-5065
Telephone: (503) 378-2617
Fax: (503) 3784597
june.letarte@state.or.us

The request may be submitted in person, by mail, fax or by e-mail. The request must include:

- o The name and address of the person requesting the public record;
- o The telephone number or other contact information of the person requesting the public record;
- o A sufficiently detailed description of the record(s) requested to allow OSMB to search for and identify responsive records; and the
- o Date and signature of the person requesting the public record.

If the scope of the request is unusual or unclear, prior to response, OSMB may request additional clarification before responding to the public records request.

Acknowledgement of Receipt of Request

OSMB will respond to public records requests without unreasonable delay. We will respond with one of the following:

- o OSMB does not possess and is not the custodian of the requested public record;
- o Copies of all requested public records for which OSMB does not claim an exemption from disclosure under ORS 192.410 to 192.505;

- A statement that OSMB is the custodian of at least some of the requested public records, an estimate of time in which copies will be provided or be made available for inspection and an estimate of the fees the requestor must pay as a condition of receiving the records;
- A statement that OSMB is uncertain whether it possesses any of the requested records and that we will search for the requested records and respond as soon as practicable; or
- A statement that state or federal law prohibits acknowledgement whether the record exists and a citation to the relevant state or federal law.

Charging for Public Records Requests

The Oregon Public Records Law allows agencies to recover their actual costs in fulfilling a public records request including actual costs for supplies, research, compilation, postage/shipping and staff time. Usually, OSMB will request payment prior to fulfilling a public records request to ensure that costs are properly reimbursed.

If the estimated fee is *greater than \$25.00*, OSMB will provide the requestor with a written notice of the estimated amount of the fee. In such instances, the public records request will not be fulfilled until the requestor *confirms in writing* that the requestor wants to proceed with the request.

Actual attorney fees charged to OSMB for the cost of time spent by an attorney in reviewing the public records or segregating the public records into exempt and nonexempt records will be charged to the requestor.

Fee Structure

OSMB charges reasonable fees to cover those costs resulting from producing public records. Standard fees are outlined in OAR 250-001-0020 and include:

No charge for the first five copies of a single 8 ½ x11" page;
 \$0.25 per standard 8 ½ x11" page; \$0.50 per two-sided print;
 Computer diskettes \$0.40; CD cases \$0.60;
 \$5.00 for each true copy certification;
 Other applicable fees: actual costs or best estimate of costs;
 Staff time for processing public records requests will be recorded in 15-minute increments. Clerical labor charges are \$20.00 per hour.

Fee Waivers

OSMB may furnish copies of public information without charge or at a substantially reduced fee if OSMB determines that the waiver or reduction of fees is in the public interest because making the record available primarily benefits the general public, per ORS 192.440(4). The person requesting the public records must request a waiver or reduction of fees and must explain why allowing the waiver or reduction is in the public interest.