



**OREGON YOUTH AUTHORITY
Policy Statement**



I-E-2.1 – Public Information Requests

Approved:



Karen Brazeau, Director

Effective:

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Supersedes:

I-E-3.1 (5/00)

Interpretation:

Director's Office
Rules/Policy Coord.

REFERENCE

ORS 192.001 through 192.595 (Public Records Policy)

ORS 419A.255 (Maintenance; disclosure; providing transcript; exceptions to confidentiality)

OAR Chapter 416, Division 105 (Disclosure of Offender Case Record Information)

OAR Chapter 416, Division 130 (Inspection and Copying of Records)

JJIS policy: Release of Public Information

OYA policy: [I-E-1.2 \(Response to Subpoenas \[Information Letter\]\)](#)
[I-E-2.3 \(Requests for Offender Case File Information\)](#)

OYA form: YA 0054 (Confidentiality Form)

DEFINITION

“Records” include all types of records that are prepared, owned, used or retained by the agency, including computer database information and e-mail.

POLICY

Oregon laws require that all records of public agencies be available, upon request, to any member of the public unless the information is specifically exempt from such disclosure. As a state agency, the OYA will adhere to this mandate and ensure that all public information not specifically exempt by statute is released upon request.

This policy outlines the process by which the public may access OYA information, including costs associated with fulfilling such requests, and avenues for appeal should access be denied.

I. General standards

- A. The OYA will respond to written requests from the public to view or receive copies of agency records.

1. The local Supervisor/Manager will review each request to determine if exemptions from public information law apply.
 - a) If such an exemption is found, the Supervisor/Manager shall clearly state in writing the reason for the exemption when responding to the request.
 2. The timeframe for inspection of records shall normally be within 10 days of receipt of the request; copies shall normally be mailed to the requestor within five working days.
 - a) If these timeframes are not reasonable, the local Supervisor/Manager shall respond to the requestor and state the reason why the materials cannot be provided, and determine a more applicable timeframe.
 3. If a public record contains material that is not exempt from public disclosure as well as material that is exempt, the OYA will separate the exempt material and make the non-exempt material available.
 - a) If information is summarized or deleted, the requestor must be notified of such.
- B. The OYA may charge the requestor the actual cost of making the record available, including staff time spent in locating the record, deleting exempt material, supervising the public inspection of original documents, or copying costs.
1. Prior to providing the record, notify the requestor as to the estimated cost.
 - a) Staff time shall be charged on an hourly basis, at a cost determined by Employee Services; the cost per page is 10 cents.
 - (1) Upon request, the Director may waive the cost of charges.
 2. The OYA may require a deposit or pre-payment of costs before making the record available for inspection.
- C. Upon request, the OYA will provide a place for a requestor to view records.

1. A person designated by the OYA will supervise the record review to ensure the record is not altered.
 - a) The requestor may designate pages to be copied, or may request copies of specific information contained in the record.
 - (1) Only OYA staff may copy the designated material.
- D. Staff will contact the local Archive Representative to request an archived file, according to local procedure.
- E. Offenders 18 and older may review his/her entire case record upon request; offenders under 18 may not review his/her entire case record.
 1. Refer to OAR Chapter 416, Division 105 and local procedure for clarity.

II. Appeal of agency decision to deny request

- A. If a request for agency records is denied, the person denying the request shall inform the requestor of the right to appeal the decision.
 1. A person denied access to OYA records may appeal the decision within seven days of receipt of the denial by writing to the person sending the denial notice and stating that an appeal is being requested.
 2. Upon receipt of the request for appeal, staff shall immediately contact the Director's Office to coordinate an agency response.

III. Exemption from public record

- A. Individuals may request that a home address or personal telephone number be withheld from public inspection if the personal safety of the requestor or a family member residing with the requestor is in danger.
 1. Such requests shall be submitted in writing, signed by the requestor, and include the name or description of the public record that contains the information, the mailing address for the requestor, and evidence to establish that release of the information would constitute a danger. Such evidence includes:
 - (a) An affidavit, medical record, police report or court record showing that the individual is a victim of domestic violence.

- (b) A citation or an order issued for the protection of the individual.
 - (c) An affidavit or police report showing that a law enforcement officer has been contacted concerning domestic violence, other physical abuse or threatening or harassing letters or telephone calls directed at the individual.
 - (d) Court records showing that criminal or civil proceedings have been filed regarding physical protection.
 - (e) A temporary restraining order or other no-contact order.
 - (f) A citation or court's stalking protective order.
 - (g) An affidavit or police report showing that the individual has been a victim of a person convicted of the crime of stalking or violating a court's stalking protective order.
 - (h) A conditional release agreement providing protection for the individual.
 - (i) A protective order issued to protect the identity or place of residence.
 - (j) An affidavit from a district attorney or deputy district attorney stating that the person is scheduled to testify or has testified as a witness at a criminal trial, grand jury hearing or preliminary hearing and that such testimony places the personal safety of the witness in danger.
 - (k) A court order stating that the person is or has been a party, juror, judge, attorney or involved in some other capacity in a trial, grand jury proceeding or other court proceeding and that such involvement places the person in danger.
 - (l) Other documentary evidence that establishes to the satisfaction of the public body that disclosure of the information would constitute a danger to the person.
2. The OYA shall notify the requestor in writing of its decision whether it will exempt the address and telephone number from public inspection. If the request is granted, the exemption is valid for five years, unless the requestor sends a written request to terminate the exemption.