

<b>Policy Title:</b>	Public Record Request and Fee				
<b>Policy Number:</b>	DHS-010-010	<b>Version:</b>	1.0	<b>Effective Date:</b>	06/09/2008

Approved By: *Deputy Director of Operations*

Date Approved

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## Overview

**Description:** This policy clarifies the process to make a public records request for records held by the Oregon Department of Human Services (DHS). Additionally, the policy and its associate procedures specify the costs that may be charged to prepare the records for distribution and the process for requesting the reduction or waiver of fees.

The State of Oregon and DHS seek to make public records available to the public for review, except those records that are specifically exempted from disclosure by federal or state statute. These exemptions generally are intended to prevent invasion of privacy and the use of public records for personal, commercial or political gain; and to meet federal and state confidentiality requirements. For more information about exemptions see Oregon Revised Statute (ORS) 192.410 to 192.505.

**Clarification:** This policy and supporting Oregon Administrative Rule (OAR) do not supersede any existing specific request fees, such as request for birth certificates.

**Purpose/Rationale:** The purpose of this policy is to ensure that all requests for public records are handled in a manner that is consistent, efficient, timely and in compliance with state and federal public records law. Charging for the reasonable costs to prepare the records for distribution enables DHS to maintain fiscal integrity.

**Applicability:** This policy applies to all DHS staff including employees, volunteers, trainees and interns and any entity requesting records.

**Failure to Comply:** Failure to comply with this policy may result in disciplinary action, up to and including dismissal from state service.

## Policy

1. Public records will be available as appropriate.
  - a. Public records shall be made available upon request, except those records which are exempt from disclosure.
    - A. Records that are exempt from disclosure are defined in ORS Chapter 192 and OAR Chapter 407 Division 003.

- B. Exemptions are generally intended to prevent invasions of privacy and use of public records for personal, commercial or political gain. Exempted information includes, but is not limited to, social security information, home addresses, employment applications, medical records, certain investigative records, etc.

2. A complete request for records.

- a. A complete request for records includes:
  - A. A description of the information requested, as specific as possible, including the type of records, subject matter, approximate dates the records were created, and the names of the persons involved.
  - B. Contact information for the requestor: name, address and telephone number of the person or organization requesting the public records.
  - C. The desired format for the records to be received (hard paper copy, electronic copy by e-mail [PDF or other format], electronic copy on disc, CD, or other media) and the number of copies requested.
  - D. The desired date by which the records are requested to be delivered.

3. DHS coordination of public records requests.

- a. The Office of Communications (OC), as part of the Administrative Services Division, is responsible for coordinating external communications across the agency and will be responsible for coordinating all public records requests. OC has a team of information officers assigned to represent each of the DHS divisions. Each officer oversees and coordinates the external communication activities for their respective division. This coordination is extended to include the coordination of responses to public records requests to help ensure that offices and programs handle requests consistently and appropriately.
  - A. Processing and compiling a public records request.
    - i. The program staff responsible for maintaining the requested information will compile the information, but will work with the appropriate OC representative to ensure the response process aligns with DHS policy as well as all federal and state laws and rules regarding public and private information.
    - ii. Information requests involving a DHS employee, intern or volunteer will be processed in coordination with the DHS Human Resources Office.
    - iii. Some information requests may require a written release by the involved client, parent or guardian of a client or other authorized individual as required by applicable federal and state law before being released. The Requestor will be notified when this situation arises.
  - B. Tracking public records requests.
    - i. OC will maintain a database of requests to enable DHS to track all requests for public records in one central location.

4. DHS will acknowledge requests and notify the Requestor of the process.

- a. DHS shall provide the Requestor notice of receiving the record request and an estimate of costs to prepare the records no later than 5 business days from receipt of the request.
  - A. The notice will include acknowledgment of the request, a copy of this policy, a copy of the fee schedule, an estimate of the expected cost of meeting the request or a date when an estimate will be made available, the format in which the information will be provided, delivery information or information about where the records can be

inspected if copies cannot be delivered, the expected date of delivery and information about how payment for the request can be made to DHS.

- i. To protect the security of its systems, DHS will not permit the transmittal of records on a disk or other electronic device that must be connected to its systems, unless that disk or device is procured and provided by DHS.
- B. Copies of records shall be provided at a cost reasonably calculated to reimburse DHS for the actual costs incurred in making the records available.
- C. If the estimated fee exceeds \$25, the Requestor must provide written authorization in order for DHS to proceed.

**5. DHS costs to prepare records.**

- a. DHS will charge a fee for providing copies of records in accordance with the established fee schedule ([DHS-010-010-02](#)).
  - A. Fees are calculated to reasonably reimburse DHS for the costs incurred in making the records available.
    - i. Activities involved in preparing records for distribution include, but are not limited to: locating, compiling, summarizing, printing, redacting, copying and distributing the information, office supplies to conduct each activity and taking any other steps reasonably required to make the information available.
- b. DHS will reduce or waive fees in accordance with ORS 192.440(4) and OAR 407-003-0010(6).
  - A. DHS may furnish copies of public records without charge or at a reduced fee, if DHS determines the reduction or waiver is in the public interest pursuant to ORS 192.440(4).
  - B. All waivers must be approved in advance by a DHS deputy director, a division assistant director, or an authorized delegate of either as authorized with a signed delegation of authority for said delegate.
  - C. Factors that may be considered when determining whether to reduce or waive fees:
    - i. The overall cost to be incurred by DHS is negligible;
    - ii. Supplying the requested records or documents is within the normal scope of DHS' normal business;
    - iii. Requiring payment would cause extreme or undue financial hardship upon the requestor; or
    - iv. Discovery requests are being made as part of pending administrative, judicial, or arbitration proceeding.

**6. Forms and method of payment.**

- a. The Requestor can make arrangements to make a payment at the delivery of the records or be billed for the charges ([DHS Form AR 3300](#)).
  - A. DHS is prepared to accept checks, money orders or visa payments.

## **Procedures that apply**

[DHS-010-010-01](#): Public Record Request, Receipt, Payment and Delivery Procedure

[DHS-010-010-02](#): Public Record Request Fee Structure Procedure

[DHS-010-010-03](#): Public Record Request Fee Reduction or Waiver Procedure

## Forms that apply

DHS 5107: Request for Disclosure of Public Records Form - [PDF](#) or [Word](#)

DHS 5106: Receipt of Public Records Request Form - [PDF](#) or [Word](#)

DHS 5108: Request for Reduction or Waiver of Public Record Request Fee - [PDF](#) or [Word](#)

DHS 0286: Signature Authorization – [PDF](#) or [Word](#)

AR 3300: Account Receivable/Billing Request - [PDF](#) or [Word](#)

## References

[ORS 192.005](#) to 192.170: Public Records Policy

[OAR 407-003-0000](#): DHS Administrative Services Division/Director's Office Public Records Fees

## Definitions

**Public Record:** Any and all information held by DHS, not protected by federal or state confidentiality rules, laws or statutes.

## Contacts

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## Policy History

- **Version 1.0:**
  - 06/09/2008 – Initial Release