Wasco County

Public Records Request Policy and Procedure

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WASCO COUNTY

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LINDA BROWN
COUNTY CLERK

I. Summary and Purpose

Oregon Public Records Law (ORS 192.410-192.505) grants the public the right to inspect and copy most public records maintained by Wasco County. The law gives the County the option of not disclosing certain documents. Additionally, Federal and State laws require that certain records be kept confidential. This policy establishes an orderly and consistent process for responding to public records requests and calculating the fees for responding to requests for public records.

II. Policy

It is the policy of the County to ensure that all requests for public records are handled consistent with applicable public records laws. This policy shall be implemented in a manner that minimizes the impact on County workload and resources.

III. Scope

This policy applies to all County employees except for the Sheriff's Department for all records and the office of the District Attorney as related potential, pending or closed investigations. This policy will be administered by the County Administrative Officer's Office.

IV. Procedure.

A. General approach:

Public records, except those confidential or that the County chooses to exempt from disclosure, shall be made available on request for inspection or copying, without unreasonable delay. Requestors should be encouraged, but not required, to use the County Public Records Request Form (Exhibit "A"). Unless taken care of immediately, the request shall be acknowledged by sending the Requestor a completed Public Records Request Acknowledgement Form. (Exhibit "B"). Each department shall appoint one or more Public Records Officers (Exhibit "C") who shall be responsible for coordinating and assisting staff implementation of this policy.

B. Processing the request:

Absent unusual circumstances, the request shall be processed as follows:

1. Initial Assessment. The staff person receiving or processing the request shall learn as much as necessary about what records are being requested. Simple, routine requests for readily available documents may be handled immediately. In some cases, the requestor may be referred to the County website or other places where records are readily available. Requests from journalist or media representatives shall be handled by a person authorized

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to speak with the media.

2. Records Review. Except for routine requests that have been addressed immediately, the Public Records Officer shall make a preliminary determination as to whether the records exist, and whether all or a portion of the contents may be subject to exemption or are confidential. This shall include contacting other departments that may have relevant records. The Public Records Officer shall contact County Counsel before responding if the records relate to pending claims or litigation, or the Officer wants to treat them as confidential or exempt from disclosure. Public Records Officers shall also estimate the cost in staff time and any other expenses required to locate the documents, perform redactions, ensure security during inspection, and otherwise respond to the request. These estimates shall be based upon the applicable rates found in the most current Wasco County Fee Schedule.

3. Response. The Public Records Officer shall communicate the results of the preliminary records review to the requestor, using the Public Records Acknowledgement form. Absent unusual circumstances, no further work should be performed until the requestor responds and pays the appropriate fee or deposit. The fees listed in Exhibit "D" apply to requests not governed by a specific departmental fee or otherwise provided for by law. The requestor may decide to inspect original files or records rather than obtain copies. Reasonable steps must be taken to ensure that the records are protected from being altered, taken or destroyed.

V. Miscellaneous

A. Disclosure format:

Reasonable requests for a particular format or type of copy should be granted, such as providing a CD-ROM of electronic documents rather than a hard copy. Reasonable steps must be taken to accommodate persons with disabilities and no fee may be charged for such an accommodation.

B. Waiver or Reduction of Fees:

The County may furnish copies without charge or at a reduced fee if the Administrative Officer or County Board of Commissioners determines that making the record available primarily benefits the general public. The law prohibits waiving fees if the records were created through use of certain constitutionally dedicated funds, such as fuel taxes or motor vehicle fees, unless the cost of charging the fee would exceed the cost of providing the record.

C. Destruction of Records:

No employee shall alter or destroy a record that the employee reasonably thinks is subject to a current or reasonably anticipated public records request or is relevant to current or reasonably anticipated litigation. This includes records otherwise eligible for destruction.

D. Special Circumstances:

The Public Records Officer or County Counsel shall be consulted whenever the request raises unusual or special concerns. Examples may include: copyrighted materials, records relating to current tort claims or litigation, records held by county contractors and requests made directly to elected officials.

E. Resources:

Wasco County Fee Schedule:

http://co.wasco.or.us/county/documents/updatedJanuary2014FeeSchedule_002.pdf

Attorney General's Public Records and Meetings Manual (January 2008):

http://www.doj.state.or.us/public_records/manual.shtml

Approved by the Wasco County Board of Commissioners
June 3, 2015

Scott C. Hege, Chair

Rod L. Runyon, County Commissioner

Steven D. Kramer, County Commissioner

Exhibit A

Public Records Request

Please submit this form to: Wasco County Administrative Office
511 Washington Street, Suite 101
The Dalles, OR 97058

Unless the records are immediately available, a form will be sent to you indicating what records are available. Pursuant to ORS 192.440, a public body may charge reasonable fees to make records available as well as reproduction charges, if applicable. You will be provided a written estimate if the cost may exceed $25.00.

All fees or deposits must be paid prior to accessing the records.

Name: _____ Phone: _____

Address: _____

City, State, Zip Code: _____

Email: _____

NOTE: State and federal law prohibits disclosure of certain records and permits certain public records to be withheld from disclosure.

Records Requested: *Describe the records as specifically as possible, including relevant dates, subject matter and type of record.*

_____

_____

_____

_____

_____

Wasco County's Public Records Policy, including the fee schedule, is available at:

Persons with disabilities may be entitled to have records transferred to fan accessible format at no extra charge.

Exhibit B

Public Records Request Acknowledgment

To:_____

This responds to your recent request for public records.

[ ] The County is uncertain about what records you are requesting, please contact the person identified below so the necessary information may be obtained to process your request.

[ ] The County is uncertain whether it has the requested records. We will continue to search and respond appropriately as soon as practicable.

[ ] The County does not have the records or is not the custodian of the records.

[ ] The County is asserting an exemption from disclosure pursuant to Oregon law for all or some of the records. See attached explanation.

[ ] The records are available for pick up or inspection. Please call to schedule a time or make other arrangements. Unless a fee waiver has been granted:

[ ] You must first pay all applicable copying and other charges, which are estimated at less than $25.00.

[ ] You must first pay a deposit of $_____ which is the estimated cost of preparing the records. If the actual cost is less, you will receive a refund. If the actual cost is more, you must pay the full amount due prior to accessing the documents.

[ ] The following state or federal law prohibits the County from acknowledging whether the requested records exist, or acknowledging the existence of the records would result in the loss of federal benefits or imposition of some other sanction:

_____

[ ] Note the following:_____

_____

[ ] The Wasco County Public Records Policy and fee schedule is available at co.wasco.or.us

Please contact the person identified below if you have any questions regarding your request.

Name: _____ **Phone:** _____

[ ] Your request is denied in its entirety.

[ ] Your request is denied in part. Please call to schedule a time to pick up or inspect the records.
Unless a fee waiver has been granted:

[ ] You must first pay all applicable copying and other charges, which are estimated to be less than $25.00.

[ ] You must first pay a deposit of $_____, which is the estimated cost of preparing the records. If the actual cost is less, you will receive a refund. IF the actual cost is more, you must pay the full amount due prior to accessing the documents

[ ] Your request is denied in its entirety or in part based on the following exemption from disclosure provided for by Oregon law. The County reserves the right to assert other applicable basis for non-disclosure at any time.

This denial is based on the information available to the County at this time. You are encouraged to contact the person listed below if you think that this denial is in error or have any questions.

Name: _____ **Phone:** _____

Exhibit C

WASCO COUNTY PUBLIC RECORDS OFFICERS

Public record requests may be sent to the following Wasco County officials. Many public records are available on the Wasco County Web site at the links provided below:

Department of Assessment and Taxation

- Jill Amery, County Assessor/Tax Collector
  511 Washington Street, Suite 208
  The Dalles, OR 97058
- Web address: http://co.wasco.or.us/county/dept_assesment_tax.cfm

Board of Commissioners/County Administrative Office

- Tyler Stone, Administrative Officer
  511 Washington Street, Suite 101
  The Dalles, OR 97058
- Web address: http://co.wasco.or.us/county/dept_county_court.cfm
- Web address: http://co.wasco.or.us/county/dept_employee_admin.cfm

Department of Community Corrections

- Robert Martin
  421 E. 7th Street, Annex B
  The Dalles, OR 97058
- Web address: http://co.wasco.or.us/county/dept_sherriff_parole.cfm

District Attorney's Office

- Eric Nisley
  511 Washington Street, Suite 304
  The Dalles, OR 97058
- Web address: http://co.wasco.or.us/county/dept_da.cfm

Department of Planning

- Angie Brewer
  2705 E. 2nd Street
  The Dalles, OR 97058
- Web address: http://co.wasco.or.us/planning/default.html

Department of Public Works

- Arthur Smith
  2705 E. 2nd Street
  The Dalles, OR 97058
- Web address: http://co.wasco.or.us/county/dept_works_info.cfm

Department of Youth Services

- Molly Rodgers
  202 E. 5th Street
  The Dalles, OR 97058
- Web address: http://co.wasco.or.us/county/dept_youth_services.cfm

County Clerk's Office

- Linda Brown
  511 Washington Street, Suite 201
  The Dalles, OR 97058
- Web address: http://co.wasco.or.us/county/dept_clerk.cfm

Sheriff's Department

- Sheriff Rick Eiesland
  511 Washington Street, Suite 102
  The Dalles, OR 97058
- Web address: http://co.wasco.or.us/county/dept_sheriff_info.cfm