

Guidelines for Public Records Requests

Revised by the Administrator 7-27-18

This Public Records Access Policy (Policy) is intended to be consistent with the obligations of a public agency as required by Oregon Revised Statutes 192.410 to 192.505.

All public records maintained by MACC must be made available for inspection and copying by the public, unless specifically exempted from disclosure under state statute.

A “public record” is defined by Oregon Revised Statutes (ORS) 192.410(4)(a) as

... any writing that contains information relating to the conduct of the public’s business ... prepared, owned, used or retained by a public body regardless of physical form or characteristics.

Under ORS 192.410(4)(b) a “public record”

... does not include any writing that does not relate to the conduct of the public’s business and that is contained on a privately owned computer.

A “writing” is defined by ORS 192.410(6) as

... handwriting, typewriting, printing, photographing and every means of recording, includes letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, files, facsimiles or electronic recordings.

Inspection and copying of a public record shall be done during regular business hours at the office where the record is located, or another facility designated by the Metropolitan Area Communications Commission (MACC). MACC records shall not leave the premises for the purposes of public record disclosure. MACC Administrator may directly supervise the inspection or copying of MACC records, may list records inspected or copied by or at the request of a requestor, and may contemporaneously copy for MACCs own purposes, records inspected or copied by or at the request of the requestor. MACC may provide a copy of a record in lieu of the original to protect the original record. MACC may provide a redacted copy in lieu of an original record in order to delete exempt material.

Requesting Public Record from The Metropolitan Area Communication Commission:

All public records requests must be submitted in writing and will be granted or denied in accordance with Oregon Public Records Law.

Public records requests will be reviewed by MACC staff and you will be contacted within five (5) business days of MACC receiving your request. Each request must reasonably describe the records being sought. This means that a request must be specific enough to permit a MACC employee who is familiar with the subject matter to locate the record in a reasonable period of time.

At time of request, an estimate of costs for staff time will be made, and if the time required to respond to the request exceeds that estimate, the requester will be informed prior to the research continuing. All records request for which the estimate exceeds \$50, will require a payment of the estimated charges in advance.

Any party requesting a fee reduction or waiver, shall fully cooperate with MACC in identifying the reason(s) for the request. In order to determine whether or not the requested public records are exempt from disclosure, qualify for fee reduction or waiver, or if the documents meet the “public

interest test,” (ORS 192.440(5)) requesting party/parties must fully disclose their intended purpose of the request.

Fees

ORS 192.440(3) authorizes a public body to establish fees in order to reimburse that body for the actual cost in making public records available. The actual cost may include:

- Certifying documents as true copies
- Copying records
- Reviewing the records in order to delete exempt material
- Sending records by special methods, such as express mail
- Supervising a person’s inspection of original documents in order to protect the records
- Time spent by the public body’s staff in locating the requested records

Advance Payment

Any request for which the estimate exceeds \$50 will require payment of the estimated charges in advance. Unused funds will be refunded.

Public Records Request Fees

Item	Fee
Staff charges	Depends upon complexity and research required
Copying 8.5 x 11"	\$0.25 per page
Copying Double-sided	\$0.50 per page
Copying 8.5 x 14"	\$0.25 per page
CD’s	\$2 each

Guidelines for Public Records Requests

1. Requesting parties shall pay a deposit of \$25 (twenty-five dollars), at the time of submitting their public records request to MACC. Any overpayments to MACC by the requesting party will be promptly refunded after the nonexempt public records are disclosed to the requesting party. Deposit must accompany the Public Record(s) Request Form. Mail request form and deposit to: Metropolitan Area Communications Commission, 15201 NW Greenbrier Pkwy, Ste C-1 Beaverton, OR 97006

2. MACC requires that the requesting party make payment to MACC for the balance of the reasonable costs over and above the \$25 deposit, prior to the release of the public records. (i.e., public records will be made available to the requesting party *only* upon payment in full to MACC, and *prior* to release/disclosure of the records.) These reasonable costs shall include, but are not limited to: actual personnel costs; reproduction costs; delivery expenses; preparation and release of a condensed version of significant facts that are not otherwise exempt from disclosure (ORS 192.502(9)(b)) for public records created on or after June 20, 2007), and attorney’s fees, if any, for reviewing, redacting or segregating the public records into exempt and nonexempt records.

3. Pursuant to ORS 192.440, MACC shall provide the requesting party with an estimate, in writing, if the public records request is expected to exceed \$25.00. After receiving the estimate, requesting party shall notify MACC whether it wants MACC to proceed with making the public records available. After providing a written estimate of the fees the requesting party must pay as a condition of receiving the

records and an estimate of time required before the public records may be inspected or copies made available, MACC *may* require written confirmation that the requesting party wants MACC to proceed with making the public record available. MACC *may* require that the fees be paid by the requesting party before MACC dedicates its resources to the preparation, replication, and release of the requested non-exempt public records.

4. Requesting party shall be charged at the rate(s) established below:

a. If the public records request requires a nominal amount of staff time (less than 30 minutes), which includes: searching; locating; retrieving; copying; transporting; summarizing, compiling, tailoring, and preparation and release of a condensed version of significant facts that are not otherwise exempt from disclosure (ORS 192.502(9)(b)) for public records created on or after June 20, 2007); copies shall be made at no charge, unless the number of copies requested exceeds 10 pages.

b. Records that require any amount of staff time shall be charged for the actual cost of staff time, including fringe benefits, plus: copying/delivering charges; charges for summarizing, compiling tailoring; and preparation and release of a condensed version of significant facts that are not otherwise exempt from disclosure (ORS 192.502(9)(b)), for public records created on or after June 20, 2007); and attorney's fees, if any, for reviewing, redacting or segregating the public records into exempt and nonexempt records. Copying charges shall be at the rate indicated on fee schedule.

5. The fee may be waived or reduced if the furnishing of the copies is determined by MACC to be in the public's best interest as set forth in ORS 192.440(5).

6. MACC may charge for search time even if the Custodian of the record fails to locate any records in response to the request, or even if the records located are subsequently determined to be exempt from disclosure. When the amount of staff time used exceeds the amount of the \$25.00 deposit, the requesting party's deposit shall be forfeited.

7. While MACC shall respond to the request within a reasonable timeframe, requests shall not affect the operations of MACC nor interfere with the regular discharge of the custodian's duties.