



City of Albany
Finance/City Clerk's Office
Policy #: F-05-08-007
Title: Public Records Requests

Purpose To outline procedures for public records requests in order to comply with ORS guidelines.

Scope This policy applies to all City employees.

Policy The City strives to provide timely and open access to public records and information not specifically exempted from access as set forth in ORS 192.501 and 192.502. Each department shall be responsible for implementing this policy with oversight by the department's Records Information Management (RIM) Coordinator.

Policy F-05-08 sets public records fees and outlines the internal procedures to meet public records requests.

This policy does not apply to City employees seeking records from other City employees for use in performance of their duties.

The Police Department and the Fire Department use their own Public Records Request Forms.

- Guidelines**
1. **Documentation.** All public records requests must be documented. The three acceptable forms of documentation are:
 - a. Completion of the Public Records Request Form. This is the preferred method for efficiency in tracking the City's compliance with public records laws and compiling statistical data.
 - b. A request made via e-mail that contains the following: date of request, requestor's name and contact information, and information regarding the document(s) requested.
 - c. A letter that contains the following: date of request, requestor's name and contact information, and information regarding the document(s) requested.

All requests must be specific enough for the City to determine the nature and content of the records, and the department where the records may be located.

2. **Responsible Department.** RIM Coordinators should coordinate public



records requests. If the records requested are in a different department, the RIM Coordinator is responsible to forward the request to the appropriate RIM Coordinator promptly. If the request was made using the Public Records Request Form, write the date the request was received on the Form in the "For Staff Use" section and then forward.

3. **Mandatory Notification.** ORS 192.440 requires that for written public records requests, the public body must respond in writing as soon as practicable and without unreasonable delay. Mandatory notification is a formal acknowledgement of the receipt of the request and includes a specific statement (ORS 192.440)(2)(a-f). The mandatory statements are listed in the "For Staff Use" section on the Public Records Request Form.
4. **Notification Process.** Timeliness is key to public records requests. If the request is filled promptly, then statement ORS 192.440 (2) (b) applies (the request is complete and the records are enclosed/attached.) No further notification is necessary if (b) applies.

If the request cannot be filled promptly, provide the notification promptly using the appropriate statement from ORS 192.440 (2) (a)(c-f). The City provides three mechanisms for written mandatory notification:

- a. Form: Provide a copy of the form via mail, e-mail, fax, or in person with the appropriate box checked in the "For Staff Use" section to the requestor.
 - b. Letter: Use a letter with the appropriate statement included when a formal letter is more appropriate than a copy of the form. Contact the City Clerk for an example of a formal letter
 - c. E-mail: Reply to the sender using the appropriate statement.
5. **Exempt Records.** Certain public records are exempt from disclosure per ORS 192.501 and 192.502. **The RIM Coordinator completing the request is responsible for verifying that the records being released are not exempt.** If there is question about whether or not a record can be disclosed, please contact the City Clerk's Office or the City Attorney.
 6. **Fees.** ORS 192.440 authorizes the public body to charge fees associated with requests, including requesting a portion of the fees in advance as a condition of receiving the public records. Additionally, public bodies are required to publish the fees. Records request fees are listed on the forms.
 - a. Requests with fees that are estimated to exceed \$25 require



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written notification of the estimated amount followed by confirmation from the requestor to proceed with the public records request.

- b. Prepayment may be required for requests that are estimated to exceed \$25.
- c. The balance for previous public records requests must be paid in full before new requests for the same requestor will be processed.

Directors may designate the revenue account for public records request fees.

- 7. **Personal External Sources Used for Copies of Public Records.** Personal CDs, DVDs, or USB flash drives presented by the public for the copying of City records are prohibited. The City will provide a CD, DVD, or a USB flash drive for the fee designated in the Fee Schedule.
 - a. Any other type of personal equipment or external source presented by the requestor in order to copy a public record must be approved by the IT Director or his/her designee.
 - b. In all scenarios where public records are prepared for copying, Research and Inspection fees apply.
- 8. **Billing.** The department responding to the request is responsible for collecting and processing the payment through their cashing system and verifying that previous balances have been paid before new requests from the same requestor are processed.
- 9. **Archiving.** Once the request is satisfied, RIM Coordinators should send documentation of the original request and the mandatory notification to the City Clerk's Office for archival (except for Police, Municipal Court, and Fire, who keep their requests at their location).
- 10. **Identity Theft Protection.** Records released as part of a public records request must be in compliance with F-04-08, Identity Theft Protection.

Supercedes: F-05-08-006	Created/Amended by/date: August 8, 2016	Effective Date: August 08, 2016
Finance Director:		City Manager: