

## 839-030-0010

### Public Records Requests

(1) The bureau will make available any record requested by any person pursuant to ORS 192.420, provided that the request is in writing and the record requested is not exempt from disclosure under the provisions of ORS chapter 192, other applicable law, or required to be kept confidential by contract. The bureau may take a reasonable period of time to locate and retrieve the requested information.

(2) The bureau may charge a fee reasonably calculated to reimburse the bureau for costs of providing and conveying copies of public records.

(a) As used in this section:

(A) "Page" refers to the number of copies produced, either 8 1/2 x 11 inches or 8 1/2 x 14 inches. Staff will not reduce size, or otherwise manipulate records to fit additional records on a page, unless staff concludes that it will be the most effective use of their time. A double-sided copy is charged as two pages. *[Because of the increased staff time involved in double-sided copying, there is no reduction in the per-page fee];*

(B) "Normal and reasonable" staff time is 10 minutes or less per request.

(b) Unless otherwise specified in OAR chapter 839 the bureau will charge a minimum fee of [~~\$4.50~~] **\$7.50** per request **for records located in the bureau's office facilities, and \$15 per request for records located offsite.** *[, plus \$.10 per page, as reimbursement for]* **for requests involving** normal and reasonable staff time. If the time required exceeds normal and reasonable staff time, the actual costs of **additional staff time** for locating, reviewing, separating, photocopying, certifying *[(where requested)]* **(when requested)** and preparing records for mailing **or other delivery** will also be charged.

*[( c) Any applicable delivery costs or postage will be charged to the requester.]*

*[(d) The bureau will send copies by facsimile (fax) machine at \$.50 per page with a limit of 20 pages.]*

**(c)***[(e) Additional charges for staff time may be made when responding to record requests that require more than normal and reasonable time to respond, or when the search requires supervision by bureau management or review by the Attorney General.]*

Bureau staff time will be charged for each hour or fraction thereof at the bureau's hourly billing rate, by staff position, as follows:

(A) Supervisor or administrator time: [~~\$33~~] **\$62** per hour;

(B) Investigator, compliance specialist or consultant time: [~~\$23~~] **\$41** per hour;

(C) Clerical time: [~~\$17~~] **\$32** per hour.

**(d)** *[(f)]* The bureau will charge [~~\$25~~] **\$41** per hour, [~~\$7.50~~] **with a \$12** minimum, for public record requests that require electronic reproduction. Charges include **but are not limited to** staff time spent locating, downloading, formatting, copying and transferring records to media, **and charges by any third party vendor.**

**(3) In addition to staff time, the bureau will charge for supplies and use of equipment for producing records as follows:**

**(a) The bureau will charge \$.15 per page for photocopies.**

**(b) The bureau will charge actual cost for postage or other delivery costs.**

**(c) The bureau will send copies by facsimile (fax) machine at \$1.00 per page with a limit of 20 pages.**

*[(g)]* **(d)** The bureau will provide blank reproduction media at the following rates:

(A) Diskettes, 3 1/2-inch: \$1 each. (Due to possibility of computer viruses, the bureau will not permit requesters to provide diskettes);

(B) Video cassettes, 2 hours: \$3 each;

(C) Audio cassettes: [\$2] **\$3.50** each[.];

**(D) Compact discs 1 1/2 hours: \$1.50 (When used for downloading information from computer, bureau will not permit requesters to provide compact discs).**

*[(h)To provide records by electronic mail the bureau will charge the actual cost of providing such records, including staff time and charges by any third-party vendor;]*

*[(i) The bureau may enter into agreements to provide routine, periodic reports in a consistent format for a negotiated price.]*

*[(j) If archive retrieval is required, the bureau will charge the actual time cost, at a minimum \$10 per request.]*

**(4)** *[(k)]* The costs of any necessary Attorney General review of **requested** public records *[requests]* will be charged to the requester at the rate billed by the Department of Justice to the bureau.

**(5)** *[(3)]* The bureau may require that all fees assessed pursuant to this rule be paid in cash, in exact change, prior to furnishing any copies, material or information.

**(6)** *[(4) Where]* **When** a request is made to inspect records, the bureau may impose restrictions regarding the location where the requested information will be made available for inspection. *[Where]* **When** the bureau allows the person requesting the information to search or inspect bureau records, the bureau may, as it deems necessary for the protection of the records, assign an employee to supervise the search. The charge for this service will be in accordance with section *[(2)(e)]* **(2)(c)** of this rule.

**(7) The bureau may enter into agreements to provide routine, periodic reports in a consistent format for a negotiated price.**

**(8)** *[(5)]* The commissioner may waive the requirements to pay the charges described in this rule, or any part thereof, after determining that the waiver is in the public interest and primarily benefits the general public. In determining whether sufficient public interest is demonstrated, relevant factors include:

(a) The requester's identity;

(b) The intended use of the information;

(c) The character of the information;

(d) Whether the requested information is already in the public domain;

(e) Whether the requester can demonstrate the ability to disseminate the information to the public;

(f) The requester's inability to pay, although this alone is not sufficient basis to waive a fee.

Stat. Auth.: ORS 651.060(4)

Stats. Implemented: ORS 192.420 – ORS 192.440