

## **Douglas County Soil and Water Conservation District Policy PUBLIC RECORDS POLICY**

*Application:* All employees of the Douglas County Soil and Water Conservation District to include full and part-time, exempt and non-exempt, volunteers, seasonal and temporary employees of the Conservation District, Directors, and Associate Directors. The Board of Directors and the designated Records Custodian shall oversee the application of this policy.

### **PURPOSE**

The purpose of this policy is to provide guidance regarding the right of the public under ORS 192.420 to inspect any nonexempt public record of a public body in Oregon, which includes the records of this District. District records are also subject to the District's Confidentiality Policy 3.3 and Federal Privacy Act when related to Farm Bill Programs. This policy will clarify the difference between those records open to public inspection and those records exempt from disclosure.

### **DEFINITIONS**

Public Record	Means any writing that contains information relating to the conduct of the public's business, including but not limited to court records, mortgages, and deed records, prepared, owned, used or retained by a public body regardless of physical form or characteristics.
Public Records Custodian	The individual designated by the Board of Directors to oversee the maintenance of District Records, administer the Records Retention Policy, and respond to public records requests.
Public Records Law	Oregon Statutes 192.410 – 192-505, that represents an attempt to balance the need for efficient government with the public's need to know how government operates. While mainly a "disclosure" law it provides guidelines for conditions on disclosure and confidentiality.
Writing	Writing means handwriting, typewriting, printing, photographing and every means of recording, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, files, facsimiles or electronic recordings.

### **BACKGROUND**

Under ORS 192.420 "every person" has a right to inspect any nonexempt public record of a public body in Oregon. This right extends to any natural person, any corporation, partnership, firm or association, and any member or committee of the Legislative Assembly. ORS 192.410(2).

ORS 192.501 conditionally exempts certain records from disclosure “unless the public interest requires disclosure in the particular instance.” This policy attempts to balance privacy rights and public interest in accordance with ORS 192.502.

## POLICY

The District shall comply with Oregon Public Records Law ORS 192.410 – 102.505. In the event that District Policy does not address a particular situation or a conflict arises, Oregon Law shall prevail.

The Board of Directors assigns the position of Public Records Custodian to the District Administrator.

This policy also sets forth the terms and conditions by which public records are disclosed, the manner in which they can be disclosed, any fees and methods of relating to disclosure.

## PROCEDURES

### A. Public records request procedure

The District Administrator is responsible for coordinating public records requests made to the District. The District Administrator will work with District staff as appropriate in fulfilling public records requests. All formal public records requests must be submitted in writing (including electronic mail) and directed to:

By Mail:

Douglas SWCD

ATTN: District Admin - Public Records Request

PO Box 2269

Roseburg, OR 97470-0458

Email:

office@dswcd.org

Subject: Public Records Request

### B. Content of public records request.

Requests for District public records shall be as specific as possible including as appropriate, the type, subject matter and approximate date of the public record. If the request is unclear the District may request such other detail as may be necessary to enable the District Administrator to locate the records. Under no circumstances shall District personnel create records to satisfy a public records request.

### C. Access to public records.

The District advises persons interested in viewing and obtaining copies of public records in person to contact the District Administrator in advance to ensure they will be available to render assistance. The District shall permit inspection and examination of non-exempt public records in person during regular business hours at the District office.

1. The right to review public records includes the right to review the original public record where practicable. However, the requestor does not have a right to personally locate the public record or to review portions of the public record that are exempt from disclosure pursuant to Oregon law.
2. In the event the public record contains exempt and non-exempt information, the District may prepare and release a condensation of significant facts from the record. For further clarification of rights under a condensation and procedures to petition for relief, see ORS 192.423.
3. Copies of non-exempt public records maintained in a machine readable or electronic form shall be provided in the form requested if available and upon receipt of payment. If the public record is not available in the form requested, then the record shall be made available in the form in

which the records are maintained. *The District is not required to create new information/records using its computer programs nor to create a new program to extract data in a manner requested by the public.*

**D. Response to public record requests.**

After receiving a request for a public record the District will respond as soon as practical and without unreasonable delay. The initial response may include one or more of the following statements:

1. A statement that the District does or does not have custody of the requested documents(s). If the District does have the record, the District will provide the requestor with an estimate of the cost to process the request based upon the fee schedule paragraph E. The District will proceed to process the request only after confirmation and receipt of payment.
2. A statement that the District is uncertain whether it possesses any of the requested records and that it will search for the records and respond as soon as possible; or

**E. Fees for public records retrieval.**

In order to recover its costs for responding to public records requests, the following fee schedule is adopted by the District: Note: Fees must be paid in advance.

1. Copies of Public Records: In addition to labor charges (see paragraph E.3.a), a nominal per copy fee will be charged.
2. Copies of Maps and Other Nonstandard Documents: Charges for printing/copying maps or other nonstandard size documents shall be charged in accordance with posted fees in addition to labor costs.
3. Fees: Minimum charge for records requests will be based upon Table 1. The fee schedule shall be based upon actual staff costs involved in research, redacting exempt information (if necessary) copying, and supplying the records in the format requested. An estimate will be provided in writing to the requestor. *The request for records will not be fulfilled until such time the requestor confirms in writing that they agree to the cost and sends payment in advance.* Should the records request take less time than estimated, the requestor will receive a refund. Should it take longer than estimated to fulfill the request, the requestor must pay in advance for the additional time.

a. Fee Schedule

Labor Charges:	Based upon staff per hour billing rates.
Copies/printing:	Labor charge and .25 per page standard copies/printouts 8.5x11 Labor charge and .50 per page standard copies/printouts 11x17
Large format plotted maps, drawings, or pictures:	Labor charge in addition to currently posted rates.

- b. All time for public records requests will be charged in 30-minute increments and must be paid in advance.
- c. Payments can be made by money order, cash, or personal check. Make checks payable to Douglas Soil and Water Conservation District.

- d. Requests for fee waivers or reduced fees must be made in writing and must be shown to be in the public interest.

**F. Authorization Required for Removal of Original Records**

At no time shall an original record of the District be removed from the District's files or the place at which the record is regularly maintained, except upon authorization of the Board of Directors.

**D. On-Site Review of Original Records**

If a request to review original records is made, the District shall permit such a review provided that search fees are paid in advance in accordance with paragraph E, above. A representative shall be present at any time original records are reviewed, and the charges for standing by while the records are reviewed shall be the same as the charges for searching or reviewing records.

**E. Unauthorized Alteration, Removal, or Destruction of Records**

If any person attempts to alter, remove or destroy any District record, the District representative shall immediately terminate such person's review, and notify the attorney for the District.

<b>REFERENCES</b>
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ORS 192.420

Oregon Public Records and Meeting Law Handbook

Wasco Soil and Water Conservation District Public Records Policy

Umatilla County Soil and Water Conservation District Public Records Policy