



# City of Talent

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## Public Records Request Policy

### Purpose:

To formalize a consistent method of responding to requests for public records in a manner that complies with the public records law, while allowing for efficiency in managing the impact on agency workload.

### Policy:

The City of Talent complies with the Oregon Public Records Law and responds to public record requests in the manner described below. ORS 192.440(7) requires every public body to make available to the public a written procedure for making public record requests.

The public records policy outlined below covers all requests.

### Procedures:

#### 1. Public records request procedure.

The City Recorder of the City of Talent processes and coordinates all public records requests to any City department. If the City Recorder position is temporarily unfilled, the City Manager will appoint a member of staff to provide this function.

All public records requests must be in writing via mail, email, or via a web submission form provided on the City website. All public facing documents will specify that requests should be submitted to the City Recorder. If Department heads receive requests, they shall forward them to the City Recorder for processing.

Upon receipt of a public records request, the City Recorder, or designee, will acknowledge a request as soon as practicable and without unreasonable delay up to five business days after receiving the request.

Public records request shall include the following:

- Name of the requestor (if required to determine if an exemption to disclosure and/or a fee waiver should be granted in the public interest)
- Date
- Organization the requestor represents, if any
- Contact information
- Description of the information they are requesting

These details will help with fulfilling the request and keeping track of the request in the City Recorder's public records log.

## **2. Initial response to public records requests.**

After acknowledging the request, the City Recorder will complete the request as soon as practicable and without unreasonable delay up to fifteen business days after receipt of the or provide a statement that the request is in in process.

Appropriate responses include:

- A statement that the City Recorder does or does not have custody of the requested document(s);
- Copies of all requested public records for which the City Recorder does not claim an exemption from disclosure under ORS 192.410 to 192.505 (see information on exemptions below);
- A statement that the Office of the City Recorder is the custodian of some responsive records, an estimate of time in which copies will be provided or inspection will be available, and an estimate of the fees the requestor must pay;
- A statement that the City Recorder is uncertain whether it possesses any requested records and that it will search for the requested records and respond as soon as practicable; or
- A statement that state or federal law prohibits the City Recorder from acknowledging whether the record exists and a citation to the relevant state or federal law.

For requests of physical documents, the City Recorder's office will provide the requestor an opportunity to inspect or obtain copies.

- If a record is neither exempt nor confidential, ORS 192.430 requires a custodian of public records to provide "proper and reasonable opportunities for inspection and examination of the records in the office of the custodian" during usual business hours to persons seeking access to public records. A requester may also request physical copies of the request if the originals are not stored in a secured location. If a record is stored in a secure location, the requester will be provided a photocopy of the record.

## **3. Clarification of public records requests.**

If the scope of the request is unclear or overly broad, the Office may request additional clarification or narrowing before responding to the request.

## **4. Availability of public records requests.**

Information on all public record requests directed to and processed by the City Recorder will be made available upon request.

- A log of public records requests will be housed in the Office of the City Recorder.
- This log will include the requestor's name, the nature of the request, and date of the request. The status of the request will be updated once processing has begun and is fulfilled.
- The public records log will be updated with each request received by the City Recorder.

#### **5. Non-responsive requestors.**

If a requestor fails to respond to inquiries for clarifications, cost estimates, or any other communication from the City Recorder within 60 days, the status of the request will be changed to "Non-Responsive Requestor."

Non-responsive requests may be resubmitted.

#### **Cost**

Actual cost may be charged for the time it takes staff to fulfill requests, including, but not limited to, compiling, copying, researching, locating, and/or reviewing public records for exemptions.

If the decision is made to charge a fee, the requester must be given notice ahead of time. They then have the opportunity to modify their request in order to reduce the amount of work and the size of the fee. The first half-hour of staff time may be waived to encourage narrower requests. Requestors may request a fee waiver or fee reduction in the public interest by filling out a fee waiver request form. The City Recorder will evaluate the request on the Public Interest Threshold detailed on the form. If a Requestor feels their request was unreasonably denied, they may appeal their request to the City Manager.

#### **Exempt/Confidential Records**

The Public Records Law is primarily a disclosure law, not a confidentiality law, according to the Attorney General's Public Records and Meetings Manual. However, some public records are exempt from disclosure.

Under Oregon law, a public body is ordinarily free to disclose a record or information even if an exemption applies to that record or information. Note, a public body that, acting in good faith, discloses a public record in response to a request for public records is not liable for any loss or damages based on the disclosure unless the disclosure is affirmatively prohibited by state or federal law or by a court order applicable to the City of Talent. Thus, the City Recorder should carefully consider whether any records are exempt or confidential. If a record is potentially exempt, but not confidential, the public interest in disclosure must be weighed against the

purpose of the exemption. Any decision to withhold records is subject to review by the City Attorney.

*If you have any questions or require assistance, please contact the City Recorder at [cityrecorder@cityoftalent.org](mailto:cityrecorder@cityoftalent.org) or at 541-535-1566 ext. 1017.*