



ADMINISTRATIVE PROCEDURES

TITLE: Public Records Request Policy	
SPONSORING DEPARTMENT: County Administration	
EFFECTIVE DATE: December 6, 2023	REVIEWED: November 1, 2023

OBJECTIVE: To establish procedures for responding to public records requests. Public records, except records exempt from disclosure at the discretion of the County per ORS Chapter 192, shall be made available as soon as practicable, without unreasonable delay and, as applicable, after reimbursement to the County for the actual cost of making public records available to the requestor.

PROCEDURES:

The County Administrative Office shall appoint a Public Records Officer (Exhibit “A”) to be responsible for coordinating and assisting with implementation of these procedures:

1. Initial Assessment

Staff who receive or process a public records request shall notify the department/office Public Records Officer and learn as much as possible about the records being requested.

- 1.1. Requests for Readily Available Records - Simple, routine requests for readily available records may be handled immediately. In some cases, the requestor may be referred to the County website or other places where records are readily available and/or may be charged a fee reasonably calculated to cover the cost of producing these records.
- 1.2. If the requested records are not readily available, requestors should be encouraged, but not required, to submit a completed County Public Records Request Form (example form provided as Exhibit B) to the Department Director or Public Records Officer.

- 1.3 Unless taken care of immediately, the request shall be acknowledged by the Public Records Officer or Department Director with an email or other form of dated communication ***within five business days of receiving a request.*** Director's acknowledging a request shall provide a copy of the dated acknowledgment to the Public Records Officer. . An acknowledgement must:
 - (a) Confirm that the public body is the custodian of the requested record;
 - (b) Inform the requester that the public body is not the custodian of the requested record; or
 - (c) Notify the requester that the public body is uncertain whether the public body is the custodian of the requested record.

2. Records Review

Except for readily available records that have been immediately addressed, the Public Records Officer shall:

- 2.1. Determine if the County is likely to have responsive records. The Public Records Officer shall make a ***preliminary*** determination as to whether the requested records exist, and whether all or a portion of the contents may be subject to exemption. This may include contacting or referring the requestor to Public Records Officers in other departments that may have relevant records. ***Avoid the actual gathering of records until a payment has been received under steps 3.1 or 3.2 below.***
- 2.2. Check with County Counsel. Public Records Officers shall contact County Counsel before responding if the requested records could relate to pending claims or litigation, or the County wants to treat them as confidential or exempt from disclosure. When in doubt, check with County Counsel.
- 2.3 This policy applies to all County employees except for the Sheriff's Department for all records and the office of the District Attorney as related to potential, pending or closed investigations.
- 2.4. Estimate costs of gathering responsive records. Public Records Officers shall also estimate the cost in staff time and any other expense required to locate the documents, perform redactions, ensure security during inspection and otherwise responding to the request. These estimates shall be based upon the applicable rates found in the current Wasco County Fee Schedule.

3. Response

The Public Records Officer shall communicate the results of the preliminary records review to the requestor, using the Public Records Response Form (example provided as Exhibit "D") as soon as reasonably possible but not later than 15 business days receipt of a public records request. . If the fee determined in step 2.3 above is greater than \$25, Oregon law requires that the County ***provide the requester with a written notification of the estimated fee*** and ***receive confirmation from the requester*** before proceeding with making the records available. The County's response options include:

- 3.1. Waiting until payment is made. Absent unusual circumstances, no further work should be performed until the requestor responds and pays the appropriate fee or deposit. The requestor must consent to paying a fee required to cover the costs of gathering and producing the records. If this payment is not received within 60 calendar days of the date the County communicates the cost to the requestor, the records request will be considered closed and no further action would be needed.
- 3.2. Allowing inspection. The requestor may decide to inspect original files or records rather than obtain copies. Reasonable steps must be taken to ensure the records are protected from being altered, taken or destroyed. In cases where the County is asserting an exemption from disclosure of some records, the option to inspect original records may still involve duplicating originals in order to prepare redacted copies. Reasonable fees calculated to cover the costs of gathering, preparing and safeguarding the requested records must be received before records are made available for inspection.
- 3.3. Clarifying the request. The County may need more information from the requestor to clarify what records are being requested. If the requestor does not provide this additional information within 60 calendar days of the date the County asks for this clarification, the records request will be considered closed.
- 3.4. Communicating that additional time is needed. When additional time is needed to answer a request, the County will advise the requestor and provide an estimated date when the responsive records could be provided. Records must be provided at this time or as soon as practicable and without unreasonable delay.
- 3.5. Declaring a lack of resources needed to proceed. There may be times when the County does not have staff available to respond at the moment of the request a high volume of requests may come in simultaneously and/or the request may impede the County's ability to provide other important services to the community. In any of these three cases, the County still must respond to the request as soon as practicable and without unreasonable delay.

4. Additional Considerations

- 4.1 Disclosure Format. Reasonable requests for a particular format or type of copy should be granted, such as providing a CD or electronic documents in PDF format rather than a hard copy. Reasonable steps must be taken to accommodate persons with disabilities and no fee may be charged for such an accommodation.
- 4.2 Waiver or Reduction of Fees. The fee may be waived if the cost of charging and collecting it would exceed the revenue obtained. The County may furnish copies without charge or at a reduced fee if the County Administrator or designee

determines that making the record available primarily benefits the general public. The law prohibits waiving fees if the records were created through use of certain constitutionally dedicated funds, such as fuel taxes or motor vehicle fees, unless the cost of charging the fee would exceed the cost of providing the record. When in doubt about constitutional restricted funds, staff should consult with County Counsel.

4.3 Destruction of Records. County staff shall not alter or destroy a record that they reasonably think is subject to a current or reasonably anticipated public records request or is relevant to current or reasonably anticipated litigation. This includes records otherwise eligible for destruction.

4.4 Special Circumstances. The Public Records Officer or County Counsel shall be consulted whenever the request raises unusual or special concerns. Examples may include: copyrighted materials, records relating to current tort claims or litigation, records held by county contractors or requests made directly to elected officials.

5. Resources:

5.1 Wasco County Fee Schedule:

https://www.co.wasco.or.us/departments/board_of_county_commissioners/policies_and_ordinances.php

5.2 Attorney General's Public Records and Meetings Manual (November 2014):

<https://www.doj.state.or.us/oregon-department-of-justice/public-records/public-records-and-meetings-law/>

5.3 Catalog of Public Records Exemptions:

<https://justice.oregon.gov/PublicRecordsExemptions/>

Adopted this 6th Day of December, 2023

Wasco County Board of Commissioners



Steven D. Kramer, Commission Chair

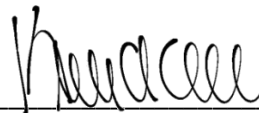


Scott C. Hege, Vice-Chair



Philip L. Brady, County Commissioner

APPROVED AS TO FORM:



Kristen Campbell, County Counsel

Exhibit A

WASCO COUNTY PUBLIC RECORDS OFFICERS

Public record requests may be sent to the following Wasco County officials. Many public records are available on the Wasco County Web site at the links provided below:

Department of Assessment and Taxation

- Wasco County Assessor/Tax Collector
511 Washington Street, Suite 208
The Dalles, OR 97058
Web address: https://www.co.wasco.or.us/departments/assessment_and_taxation/index.php

Board of Commissioners/County Administrative Office (which includes Administrative Services, IT, HR, Finance & Facilities)

Wasco County Administrative Officer
511 Washington Street, Suite 101
The Dalles, OR 97058
Web address: https://www.co.wasco.or.us/departments/administrative_services/index.php

Department of Community Corrections

Community Corrections Manager
421 E. 7th Street, Annex B
The Dalles, OR 97058
Web address: https://www.co.wasco.or.us/departments/community_corrections/index.php

District Attorney's Office

Wasco County District Attorney
511 Washington Street, Suite 304
The Dalles, OR 97058

- Web address: https://www.co.wasco.or.us/departments/district_attorney/index.php

Department of Planning

Wasco County Planning Director
2705 E. 2nd Street
The Dalles, OR 97058
Web address: <https://www.co.wasco.or.us/departments/planning/index.php>

Department of Public Works

Wasco County Public Works Director
2705 E. 2nd Street
The Dalles, OR 97058
Web address: https://www.co.wasco.or.us/departments/public_works/index.php

Department of Youth Services

Wasco County Youth Services Director
202 E. 5th Street
The Dalles, OR 97058
Web address: https://www.co.wasco.or.us/departments/youth_services/index.php

County Clerk's Office

Wasco County Clerk
511 Washington Street, Suite 201
The Dalles, OR 97058
Web address: <https://www.co.wasco.or.us/departments/clerk/index.php>

Sheriff's Department

Wasco County Sheriff
511 Washington Street, Suite 102
The Dalles, OR 97058

EXHIBIT B



Public Records Request

Please submit this form to _____
(Insert County Public Records Officer contact information):

Unless the records are immediately available, a form will be sent to you indicating what records are available. Pursuant to ORS 192.440, a public body may charge reasonable fees to make records available as well as reproduction charges, if applicable. You will be provided a written estimate if the cost may exceed \$25.00. All fees or deposits must be paid prior to accessing the records.

Name: _____ Phone: _____

Address: _____

City, State, Zip Code: _____

Email: _____

NOTE: State and federal law prohibits disclosure of certain records and permits; therefore, certain public records will be withheld from disclosure.

Records Requested: *Describe the records as specifically as possible, including relevant dates, subject matter and type of record.*

Wasco County's Public Records Policy and Fee Schedule are available at:

https://www.co.wasco.or.us/departments/board_of_county_commissioners/policies_and_ordinances.php

Persons with disabilities may be entitled to have records transferred to an accessible format at no extra charge.

EXHIBIT C



Public Records Request Acknowledgement

To: _____

This responds to your (date received) request for public records.

The County is uncertain about what records you are requesting. _____

The County is uncertain whether it has the requested records. We will continue to search and respond appropriately as soon as practicable.

The County does not have the records or is not the custodian of the records.

The County is asserting an exemption from disclosure pursuant to Oregon law for all or some of the records. See attached explanation.

The records are available for pick up or inspection. Please call to schedule a time or make other arrangements. Unless a fee waiver has been granted:

You must first pay all applicable copying and other charges, which are estimated at less than \$25.00. You must first pay a deposit of \$ _____ which is the estimated cost of preparing the records. If the actual cost is less, you will receive a refund. If the actual cost is more, you must pay the full amount due prior to accessing the documents.

The following state or federal law prohibits the County from acknowledging whether the requested records exist, or acknowledging the existence of the records would result in the loss of federal benefits or imposition of some other sanction:

 Note the following, _____

To complete the County's response, appropriate sections of this form will be filled in to provide you with a general understanding of the process, legal restrictions and possible costs involved. In some cases, the County may need additional information from you to help identify the records requested. If the County contacts you or has requested from you within this form for further information or clarification and you fail to respond, we will suspend this request until we hear from you.

If you fail to respond within 60 days, the County will close this public records request.

The Wasco County Public Records Policy and fee schedule is available at https://www.co.wasco.or.us/departments/board_of_county_commissioners/policies_and_ordinances.php

Please contact the person identified below if you have any questions regarding your request.

Name: _____ Phone: _____