

OSBA's Public Record Guideline

I. **Purpose.** The purpose of this guideline is to document OSBA's public records request procedures and fees.

II. **Guidelines for Submitting Public Records Requests**

- A. Public records requests must be made in writing by email to info@osba.org and selecting the "public record request" option, or by mail to 1201 Court St. NE, Salem, OR 97301.
- B. Requests must identify and describe the records sought with as much specificity as possible, including a date range and the record title, if known.
- C. OSBA is required to provide public records existing at the time of the request in response to records requests. It is not required to create documents to respond to public records requests. Requesters seeking to inspect or obtain copies of records on a continuing basis must submit new, successive records requests for each date range, which cannot extend beyond the date the public records request is submitted.
- D. Changes within the scope of the original request, such as clarifying or narrowing a request after submission, are permitted. However, changes that expand the records being sought to seek new records, including new dates or types of records, require submission of a new request.

III. **Fee Schedule for Public Records Requests**

- A. Oregon law authorizes public agencies to establish reasonable fees to be reimbursed for the actual costs of making public records available. OSBA's actual costs may include:
 - Time or costs to copy or convert records to paper or other media and mailing expenses
 - Time spent locating, reviewing, redacting, copying, and supervising a person's inspection of original records in order to protect them
 - Research time to locate and analyze the requested records, even if no records are located or if the requested records are determined to be exempt from disclosure
 - Any time spent notifying public employees of requests for employee personal information
 - Time spent by an attorney to review, redact, or segregate records for possible exemptions

B. If the estimated costs involved in fulfilling a public records request exceed \$25, OSBA will advise the requester of those costs and require the requester’s approval before beginning work. If the fee estimate exceeds \$25, payment of the estimated fee will be required to begin work. Full payment of the total amount of costs incurred is required before the public records may be inspected or copies released.

C. OSBA’s standard fees for public records requests are described below.

Clerical Time	\$45/hour
Professional Time	\$175/hour
Paralegal Time	\$125/hour
Internal Attorney Time ¹	\$300/hour
External Attorney Time	\$400/hour
Printed pages	\$0.25 per page
Additional print or storage costs	At cost

D. Fee waivers may be available and are evaluated on a case-by-case basis. To be eligible for a fee waiver, the requester must show that the request primarily benefits the public interest. However, even when the request benefits the public interest, OSBA is not required to waive fees. OSBA must evaluate the financial and resource burdens placed on OSBA by the request as well as other factors.

To make this determination, OSBA will request information sufficient to evaluate whether the request primarily benefits the public interest. If the requester fails to provide requested information the fee waiver request will likely be denied.

E. Refunds will be issued only in the event of overpayment, duplicate payments, or a payment made when no public record request fee was due.

IV. Right to Appeal. Any person denied the right to inspect or to receive a copy of any public record of OSBA may petition the Marion County District Attorney for review, in accordance with ORS 192.415. The denial of a fee waiver request may also be appealed. Any person denied the right to inspect or receive a copy of a public record of a public official may petition the Marion County Circuit Court for review, in accordance with ORS 192.427.

¹ OSBA will not charge for time spent by an attorney in determining the application of the provisions of ORS 192.311 to 192.478