

GUIDELINES FOR PUBLIC RECORDS REQUESTS

Oregon Revised Statute 192.311 through 192.478



NOTE: Public Records are NOT student records

Background

Every person has a right to inspect any public record of a public body in this state, except as otherwise expressly provided by ORS 192.338, 192.345 and 192.355. "Public record" includes 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.

The College has five "Business days" after receiving the request to acknowledge receipt of the request or complete the response to the request. "Business days" do not include Saturdays, Sundays, legal holidays or days the College's academic calendar or emergency/weather conditions declare the College is closed.

Inspection and copying of a public record shall be done during business days and during regular business hours at the office where the record is located, or another facility designated by the College. College records shall not leave College premises for the purposes of public record disclosure. The College may directly supervise the inspection or copying of College records, may list records inspected or copied by or at the request of a requester, and may contemporaneously copy for the College's own purposes records inspected or copied by or at the request of the requester. The College may provide a copy of a record in lieu of the original to protect the original record. The College may provide a redacted copy in lieu of an original record in order to delete exempt material.

How to Request a Public Record from Chemeketa Community College

There are two types of public records requests:

1. Informal Requests

The first type of public records request is one that is verbally submitted by the requester for records that are incidental, readily accessible or reproducible at negligible cost, and are typically available for general public distribution.

2. Formal Requests

All other public records requests must be submitted in writing and will be granted or denied in accordance with Oregon Public Records Law.

- a. Requesters shall submit their public records request on the attached Public Record(s) Request Form. A \$25.00 deposit is required and must be mailed with the request form to: Chemeketa Community College, Rebecca L. Hillyer, J.D., General Counsel, 4000 Lancaster Drive NE, PO Box 14007, Salem OR 97309-7070. Each request must reasonably describe the records being sought. The request must be specific enough to permit a College employee who is familiar with the subject matter to locate the record in a reasonable period of time.

- b. The College shall provide the requester with an estimate, in writing, if the reasonable costs associated with providing the public records are expected to exceed \$25.00. Reasonable costs shall include, but are not limited to, the actual cost of making public records available, including costs for summarizing, compiling or tailoring the public records, either in organization or media, to meet the request, and the cost of time spent by an attorney for the College in reviewing the public records, redacting material from the public records or segregating the public records into exempt and nonexempt records.
 - i. After receiving the estimate, the requester shall notify the College whether it wants the College to proceed with making the public records available. The College may require written confirmation that the requester wants the College to proceed with making the public record available.
- c. The College requires that the requester make payment to the College for the balance of the reasonable costs over and above the \$25 deposit, prior to the release of the public records. If the requester fails to pay the fee within 60 days of the date on which the College informed the requester of the fee, the College shall close the request.
- d. The College may furnish copies without charge or at a substantially reduced fee if the College determines that the waiver or reduction of fees is in the public interest because making the record available primarily benefits the general public.
- e. Requesters requesting a fee reduction or waiver shall fully cooperate with the College in identifying the reason(s) for the request. In order to determine whether or not the requested public records qualify for fee reduction or waiver, the requester must fully disclose their intended purpose of the request.
 - i. If the requester fails to respond within 60 days to a good faith request from the College for information or clarification, or fails to pay the fee within 60 days of the date on which the College informed the requester of the denial of the fee waiver, the College shall close the request.
- f. Any overpayments to the College by the requester will be promptly refunded after the public records are disclosed to the requester.
- g. Requesting party shall be charged at the rate(s) established below:
 - i. If the public records request requires a nominal amount of employee time, less than 30 minutes, which includes searching, locating, retrieving, copying, transporting, summarizing, compiling, tailoring, and preparation and release of a condensed version of significant facts that are not otherwise exempt from disclosure, copies shall be made at no charge, unless the number of copies requested exceeds 10 pages.
 - ii. Records that require only a nominal time of employee time, less than 30 minutes, but the number of copies exceeds 10 pages, shall be charged for the actual cost of employee time, including fringe benefits, copying/delivering charges, charges for summarizing, compiling tailoring, preparation and release of a condensed version of significant facts that are not otherwise exempt from disclosure, and the cost of time spent by an attorney for the College in reviewing the public records, redacting material from the public records or segregating the public records into exempt and nonexempt records. Copying charges shall be at the rate of \$0.20 (twenty cents) per page.
 - iii. Records that require more than a nominal amount of employee time, 30 minutes or more, will be provided to the requesting party for the actual cost of employee time, including fringe benefits, copying/delivery charges, charges for summarizing, compiling tailoring, and charges for the preparation and release of a condensed version of significant facts that are not otherwise exempt from disclosure. Copying charges shall be at the rate of \$0.20 (twenty cents) per page. Personnel costs shall be computed on the basis of quarter hours, rounded up, for time expended by College staff. Attorney fees, if any, shall be limited to the cost of time spent by an attorney for the College in reviewing the public records, redacting material from the public records or segregating the public records into exempt and nonexempt records.

- h. The College may charge for search time even if the Custodian of the record fails to locate any records in response to the request, or even if the records located are subsequently determined to be exempt from disclosure. When the amount of employee time used exceeds the amount of the \$25.00 deposit, the requester's deposit shall be forfeited.
- i. Requesters may seek review from the Oregon Attorney General's office or local District Attorney of a Public Records Request under the following conditions:
 - i. Their initial request was not acknowledged by the College within the proscribed time frame.
 - ii. The College's estimated time frame to complete the request was unreasonably long.
 - iii. Any other instance where the requester believes the College failed to comply with ORS 192.324.



4000 Lancaster Drive NE • PO Box 14007, Salem OR 97309-7070

PUBLIC RECORD(S) REQUEST

(See attached "Guidelines for Public Records Requests" for additional instructions.)



NOTE: Public Records are NOT student records.

Parties requesting public records are encouraged to complete the Public Record(s) Request form and submit it, accompanied by a check made out to "Chemeketa Community College" in the amount of \$25, to Rebecca L. Hillyer, J.D., General Counsel. This will allow the College to contact you for clarification and notify you when the records are available for pickup. Requests will be accepted or denied in accordance with the College's Guidelines for Public Records Requests.

Name of Requesting Party (i.e., business name)

Date

MAILING ADDRESS OF REQUESTING PARTY:

Street

City/State/Zip

Telephone

Fax

Email Address

For special consideration by the College in waiving or reducing the total fee, provide nonprofit 501(c)3 status, if applicable. Indicate # _____.

For records that are subject to disclosure, the requester must indicate, by initialing below, whether a condensation of the significant facts that are not otherwise exempt from disclosure is desired.

Initials

Preferred method of obtaining public records (check your selection below):

- Requester will pick up College will deliver via U.S. Postal Service Electronic Format (if appropriate)

It is to everyone's advantage if requests are as precise and as narrow as possible. The requester benefits because the request can be processed more quickly and inexpensively. The College benefits because it can do a better job of responding to the request. The Oregon Public Records laws work best when both the requester and the College act cooperatively.

What public record(s) are you requesting? (Please specify.)

I certify that the statements contained in this form are true and correct to the best of my knowledge and belief, that I have read and understood the Chemeketa Community College Guidelines for Public Records Requests, and that I have attached the required \$25 deposit with this formal request. (Where fees are waived or request is denied, College will promptly return deposit payment.)

Name of Individual Requesting Records (please print)

Signature of Individual Submitting Request for Records

Date