


Jodie Barram, Chair

Page 1 of 5

Public Records Policy

Purpose:

The purpose of this policy is to define process and procedures for providing accurate records to the public in a reasonable amount of time given the subject and scope of the request.

Policy:

Bend Park and Recreation District will make available any public record requested by any person pursuant to ORS 192.314, provided that the record request is not exempt from disclosure under the provisions of ORS 192 or other laws.

Exempt Public Records:

Certain records are exempt from public disclosure pursuant to ORS 192.355 and ORS 192.368.

Partial list of exemptions applicable to the district:

- A. Records of public body pertaining to litigation;
- B. Information related to appraisal of real estate prior to acquisition;
- C. Information of a personal nature of public employees, volunteers or customers such as:
Social Security numbers, dates of birth and telephone numbers;
- D. Any public records or information, which is prohibited by federal law or regulations;
- E. Communications with public body or between public bodies of an advisory nature;
- F. Confidential attorney – client communications;
- G. Information submitted in confidence and not otherwise required by law to be submitted.

Access:

The district shall permit inspection and examination of its non-exempt public records during regular business hours in the district's offices at 799 SW Columbia, or other locations as the executive director may reasonably designate. Copies of non-exempt public records maintained in machine readable, or electronic form shall be furnished, if available, in the form requested and according to the procedures described in this policy. Records not available in the form requested shall be made available in the form in which they are maintained. ORS 192.324

Reviewer: Executive Director
Last Review Date: July 2024
Next Review Date: July 2029
Review Schedule: 5 Years

Level 2:

Requested documents are not immediately available, but can be made available within 15 minutes of staff time. Requested records must be located in a single department, may not contain privileged information exempt by State law, and must not require attorney review prior to release. Requests must be submitted in writing, using the district provided form and submitted to the executive director's office. There is no fee for this level of request.

Level 3:

Requested documents are complex and involve multiple staff and/or departments and/or require more than 15 minutes of staff time to compile. It may involve extensive research or compilation of records, and require legal review. Full reimbursement of labor, materials and out of pocket charges will be reimbursed to the district according to the district fee schedule defined in this policy. Requests must be made in writing, using the district provided form and submitted to the executive director's office.

Procedures:

Upon receipt of a request, the district will respond to the requestor within 5 working days. The response shall acknowledge receipt of the request and one of the following:

1. A statement that the district does not possess or is not the custodian of the public record.
2. Copies of all requested public records for which the district does not claim an exemption from disclosure under ORS 192.311 to 192.427 that are Level 1 or Level 2 requests within 10 business days.
3. A statement that the district is the custodian of at least some of the requested public records, an estimate of the time the district requires before the public records may be inspected and/or copies of the records will be provided, and an estimate of the fees that the requester must pay as a condition of receiving the public records, if the request is deemed to be a Level 3 request.
4. A statement that the district is the custodian of at least some of the requested public records, and that the district will provide an estimate, within a 10 business days, of the time and fees needed for disclosure of the public records.
5. A statement that the state or federal law exempts the district from disclosing a requested public record with the reason for the exemption.
6. All requests will be completed within 10 business days after issuing the acknowledgement, unless otherwise stated in the response to the record request.
7. When the district receives a request for many documents or an unclear request, the Public Records Officer will contact the requestor to clarify the request and explain the public records process. For large requests, the district may ask the requestor to prioritize the request for response.

Reduced Fee or Waivers:

The district will accept requests for fee waivers or reductions for records requests. Requests must be in writing and addressed to the executive director. The district will consider and grant reasonable requests to waive and/or reduce fees associated with fulfilling a public records request when doing so is in the public interest because providing access primarily benefits the general public, as defined in ORS 192.324. The district will waive the first 15 minutes of staff time needed to fulfill a records request.

The district may deny eligibility for the 15 minute waiver if abuse by the requester is determined to exist either by:

1. Fragmenting a request that if taken in the aggregate would amount to significantly more than 15 minutes; or
2. Submitting multiple small requests in a short time-frame causing an undue burden on the agency.

References

ORS Chapter 192

Oregon Dept. of Justice, Oregon Attorney General's Model Contract Rules Manual