

City of Hillsboro Public Record Request Policy

Section 1. **Written Requests.** Unless otherwise provided by this policy, requests for inspection and copies of public records must be in writing on a form prescribed by the City.

Section 2. **Levels of Requests and Staff Response.** The purpose of this policy is to help provide accurate records to the public in a reasonable time. In order to accommodate the purpose of this policy, three levels of requests have been established.

Level 1 Request.

Requested records must be current and immediately accessible, the request must not require duplication, and the request must not require any additional staff time or resources to make the requested records available. Other than certain Police Department records, Level 1 requests are not generally subject to the Public Records Fee Schedule.

Level 2 Request.

Requested records must be readily accessible, which means they can be made accessible with no more than 30 minutes of staff time, and they must be located in a single department. Level 2 requests can be made to the public records officer for departments as specified in Section 3.4. Records requiring attorney review, regardless of whether they meet the other standards set forth above, are Level 3 requests. Level 2 requests are subject to the Public Records Fee Schedule, provided that there will be no charge for the first half hour of staff time required to respond to a records request.

Level 3 Request.

These types of request are generally complex, involve multiple staff and/or departments, or require more than 30 minutes of staff time. They may require extensive research or compilation of records. Any requests requiring legal review fall under this section. Level 3 requests are subject to the Public Records Fee Schedule.

Section 3. **Procedures.**

3.1 Requests for public records must include the following:

3.1.1 The name, address, contact information, date and signature of the person making the request or their authorized representative;

- 3.1.2 When known to the requestor, the request must include information such as the department file number, year of creation, range of dates and any other pertinent information that may assist City staff in locating the requested documents. If electronic records are requested, sufficient keywords must be provided to locate the requested records. The City will not author, create or otherwise prepare new documents in response to a records request.
- 3.2 Except as otherwise provided by this policy or the Public Records Fee Schedule, public records will not be released for inspection or copies provided to members of the public or City staff or officials unless the City receives payment of the required fee from the requesting party. The person making the request will be informed that the requested documents will not be released without payment of the fee required by this policy. Failure to inform the requesting party of this requirement does not relieve the requesting party of the obligation to pay the required fee.
- 3.3 Upon receipt, the request will be date stamped.
- 3.4 Written requests for inspection or copies of city records must be submitted for processing to the City Recorder or Deputy City Recorder in the city records office; to the Records Manager in the city's police department if the requested records are police records; to the Administrative Support Specialist in the city's fire department if the requested records are fire records; or to the Administrative Support Specialist in the city's building department if the requested records are building records. Relevant staff will respond to all such requests. If the City needs additional information or clarification, City staff will contact the requesting party.
- 3.5 If the City is unable to process a request, a written response explaining why the City is unable to process the request will be sent to the requesting party.

Section 4. **Inspection of Records.**

- A. A person making a public records request may personally inspect the requested documents, but the right to inspect documents does not include the right to access file cabinets or file folders or the right to disassemble or change the order of materials in files or document binders. Inspection of public records will occur during regular City business hours by appointment. Any request for more than one half hour of staff time will occur at a time mutually convenient to the requestor and the affected staff person. Original public records may

not leave the custody of the City. A City staff member must be present while any original public records are inspected to insure protection of the records.

- B. If the City maintains copyrighted material, the City will permit the person making the request to inspect the copyrighted material, and may allow limited copying of such material if allowed under federal copyright law. The City may require the requestor to obtain written consent from the copyright holder before allowing copying of such materials.

Section 5. **City Response.** The City shall follow timelines as required under ORS 192.

- A. Within five business days of the date the individual(s) identified in section 3.4 of this policy receive a written request to copy or inspect public records, the City will acknowledge the records request.
- B. As soon as reasonably possible, but not later than 10 business days after the date by which the City is required to acknowledge receipt of the request under section 5(A), the City shall:
 - a. Complete its response to the public records request; or
 - b. Provide a written statement that the City is still processing the request and a reasonable estimated date by which City staff expects to complete its response based in the information currently available.

Section 6. **Appeal.** A person who has submitted a written public records request in compliance with City policy may seek review by the District Attorney of the following, in the same manner as a person petitions when inspection of a public records is denied under ORS 192.410 to 192.505:

- A. The failure of the City to provide the response required by ORS 192 within the prescribed period. A failure of the public body to timely respond shall be treated as a denial of the request unless the City demonstrates that compliance was not required.
- B. An estimate of time provided by the City – if the person believes that the estimated timeframe for the response is unreasonably long and will result in undue delay of disclosure.
- C. Any other instance in which the person believes that the City has failed to comply with ORS 192.

Section 7. **Preparation of Cost Estimate.** Upon receipt of a public records request, if any fees are required by the Public Records Fee Schedule, City staff will first prepare a cost estimate reflecting the full, actual cost of City staff time and materials required to make the public records available, including observation and inspection, cost of summarizing, compiling or tailoring the public records, either in organization or media, to meet the request.

7.1 Copies of routine materials requested by the news media will be made available without charge. Any request from the news media that requires more than one half hour of staff time may be in accordance with the Public Records Fee Schedule.

7.2 Copies of routine materials requested by any Hillsboro public officials or advisory committee member will be furnished without charge if the request relates to information needed in the requestor's official capacity.

Section 8. **Labor Costs.** The cost bill estimate for staff time will be based on a set hourly rate, set by the Public Records Fee Schedule, multiplied by the time estimated to respond to the request. There will be no charge for the first half hour of staff time required to respond to a records request.

Section 9. **Materials Cost.** The cost to reproduce any material requested will be charge at a per page rate using the Public Records Fee Schedule. A copy of the fee schedule should be provided to the requestor before any charge is made, but must be provided under state law if the amount is equal to or greater than \$25.00. If delivery of the search results is requested, mailing or delivering cost will be included in the estimated cost bill. The Public Records Fee Schedule will be reviewed annually by the City Council.

Section 10. **Deposit and Payment Requirements.** If the estimated cost is \$250.00 or more, the City will require a deposit in the full amount of the estimate before expending additional City resources on the request. Research requests, requests of a complex nature, or records requested from the Police Department may require prepayment. City staff will begin work on the request only upon receipt of the deposit. If the actual cost of completing the request exceeds the estimate, the City will not release the records until the City's full actual costs are received in full. If the actual cost of responding to the request is less than the estimated cost, then the balance of the deposit will be refunded promptly. If the estimated cost bill is less than \$250.00, City staff will begin to fulfill the request and will present a bill for the City's full actual costs payable in full upon completion

of the request. City staff will not release the request results until the total costs are paid.

Section 11. **Waiver or Reduction of Fees.** Copies of public records may be furnished without cost, or at a reduced cost, if the City Manager determines that a waiver or reduction of fees is in the public interest because making the record available primarily benefits the general public.

11.1. A person requesting a waiver or reduction of fees must file a written request which includes the requestor's name and address, the purpose for which the documents are sought, the character of the information and whether the requestor can demonstrate the ability to disseminate the information to the public or otherwise benefit the general public with the information. The City Manager will review the request and may also consider the requestor's ability to pay and any financial hardship on the City that would arise from granting a waiver or reduction.

11.2. Copies of materials personal in nature to the requestor generally will not qualify for a fee reduction or waiver, but such materials may be furnished without charge in accordance with the Public Records Fee Schedule and the Level of the request as outlined above.

11.3 The decision of the City Manager on any fee waiver or reduction is final.

Section 12. **Closing of the Request.**

- A. Response to a public records request is complete when the City:
 - a. Provides access to or copies of all requested records within the possession or custody of the City that are not exempt from public disclosure, or explains where the records are already publicly available;
 - b. Asserts any exemptions from disclosure that the City believes apply to any requested records and, if the public body cites ORS 192.502 (8) or (9), identifies the state or federal law that the City relied on in asserting the exemptions;
 - c. Complies with ORS 192.505;
 - d. To the extent that the City is not the custodian of records that have been requested, provides a written statement to that effect;
 - e. To the extent that the state or federal law prohibits the City from acknowledging whether or not a requested record exists would result in loss of federal benefits or imposition of another

sanction, provides a written statement to that effect, citing the state or federal law that the City relies on, unless the written statement itself would violate state or federal law;

- f. If the City asserts that one or more requested records are exempt from public disclosure, includes a statement that the requestor may seek review of the City determination pursuant to ORS 192.450, 192.460, 192.470, 192.480 and 192.490.