
 Columbia Development Authority	EFFECTIVE DATE 10-25-2022	PAGE NUMBER
	_____	Pages 1 of 2
	REFERENCE/AUTHORITY Board Approval on 10-25-2022	
POLICY OWNER Columbia Development Authority (“CDA”)		
SUBJECT Public Records Requests Policy	APPROVED SIGNATURE  Greg Smith, Executive Director	

PURPOSE

This Public Records Requests Policy is intended to support the CDA with consistency by establishing standards for the CDA relating to charging practices and policies for fulfilling requests for public records and providing a standard process for the CDA to use when evaluating requests to reduce or waive fees assessed for fulfilling a request.

The CDA shall review and, if necessary, update its Public Records Request charging policies and practices from time to time.

APPLICABILITY & PROCESS

This Policy applies to the Columbia Development Authority.

Columbia Development Authority is not an agency of the State of Oregon (see Amended and Restated Columbia Development Authority Intergovernmental Agreement (2014)), nor is it a public body as that term is defined in the Oregon Public Records Laws. See ORS 192.311(4). However, pursuant to its Intergovernmental Agreement, CDA “shall be subject to the requirements of the...Public Records...laws of the State of Oregon.” Amended and Restated Columbia Development Authority Intergovernmental Agreement, Section 5.d.

The requirements in this Policy do not supersede, modify or replace the existing or other legal responsibilities of the Columbia Development Authority.

The Columbia Development Authority is the “custodian” as defined in ORS 192.311(2) for purposes of responding to a public records request submitted in compliance with this policy.

The executive assistant for the Columbia Development Authority shall receive and process all public records requests submitted to the CDA in compliance with this Policy.

Within five business days of receipt of a written request to inspect or receive a copy of a public record submitted in compliance with this policy, CDA shall acknowledge receipt of the request or complete the public body’s response to the request. An acknowledgment under this subsection must:

- (a) Confirm that CDA is the custodian of the requested record;
- (b) Inform the requester that the CDA is not the custodian of the requested record; or
- (c) Notify the requester that the CDA is uncertain whether the public body is the custodian of the requested record.

Within fifteen business days or as soon as reasonably possible, the CDA shall:

- (a) Complete its response to the public records request; or
- (b) Provide a written statement that the CDA is still processing the request and a reasonable estimated date by which the CDA expects to complete its response based on the information currently available.

Upon receipt of a public records request, CDA staff and directors shall deliver responsive public record documents to the executive assistant within five business days of receipt of the public records request (which shall be shared upon receipt with the CDA board and staff) so as to facilitate a timely response to any public records request.

Pursuant to ORS 192.311(5):

(a) "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.

(b) "Public record" does not include any writing that does not relate to the conduct of the public's business and that is contained on a privately owned computer.

EXHIBITS

- **EXHIBIT A: Public Records Request Form & Submission**
- **EXHIBIT B: Standardized Fee-Schedule**
- **EXHIBIT C: Public Interest Threshold Evaluation Form (Fee-Waiver or –Reduction Request)**

Exhibit A: Public Records Request Form & Submission

Public Records Request Form & Submission

Any person (as defined in ORS 192.311(3)) who seeks to inspect a public record (as defined in ORS 192.311(5)) shall submit a written request to the Columbia Development Authority in compliance with the following:

All public records requests to the Columbia Development Authority, including requests to its staff and directors, shall be submitted in writing by regular United State mail to:

Debbie Pedro, Executive Assistant
Columbia Development Authority
P.O. Box 200
Boardman OR 97818

If a person who is a party to a civil judicial proceeding to which CDA is a party, or who has filed a notice under ORS 30.275 (5)(a), asks to inspect or to receive a copy of a public record that the person knows relates to the proceeding or notice, the person must submit the request in writing to Debbie Pedro and, at the same time, to:

Schwabe
Attn: Elizabeth Howard
1211 SW 5th Ave., Suite 1900
Portland, OR 97204

A public records request will be deemed received on the date it is received in compliance with the above requirements.

Exhibit B: CDA Standardized Fee-Schedule

Standard Fee-Schedule

Except as noted below, the CDA will waive 30 minutes of staff time for all Public Records Requests after which fees may be assessed for additional staff time, applicable services and supplies required to fulfill a Public Records Request in accordance with the applicable fee-schedule below.

The CDA may deny eligibility for the 30-minute waiver if abuse by the requester is determined to exist either by:

- a) Fragmenting a request that if taken in the aggregate would amount to significantly more than 30 minutes; or
- b) Submitting multiple small requests in a short time-frame causing an undue burden on the CDA.

The hourly rate charged for staff time (more than 30 minutes) will be based on the level of skill or expertise required to complete the work performed. Meaning, if work done to fulfill a request requires clerical-level skills, CDA may only charge the clerical hourly rate time spent on that portion of the work (as a maximum), even if a managerial-level or professional-level employee actually fulfills the request on behalf of the CDA.

The CDA will not charge for staff time spent witnessing records inspection when the estimated cost of making public records available for inspection is:

- less than the cost of providing the requestor with a copy of the public record; or
- insignificant (requested public records are readily accessible and do not require review, redaction or segregation).

Fees will be charged for staff time required to redact exempt information from requested public records prior to release. Fees will be charged for staff time required to organize, summarize, compile or tailoring the public records to meet the request. ORS 192.324.

Staff time

Fees for staff time required to fulfill a Public Records Request shall not exceed:

- **\$25/hour for Clerical** (administrative, office specialists, other support staff)
- **\$37/hour for Executive Director**
- **Attorney and other applicable legal fees:** at the actual hourly rate charged for Public Records Request-related services. Attorney fees may not be charged for determining the applicability of the provisions of ORS 192.311 to 192.478. [ORS 192.324](#).

Production of Responsive Records

Fees generated by providing paper or electronic copies to requesters:

- **Copies:** Based on current state printing and distribution price list.
- **Media:** Based on copy and copy size.
- **Postage:** Based on current postal rates.

Additional Cost Considerations

Miscellaneous fees related to production and release of responsive records:

- Costs of software companies/contracts (as needed to manage the volume of request)
- Other 3rd party costs (in extreme circumstances)

Exhibit C: Public Interest Fee-Waiver or -Reduction Request

Public Interest Threshold Evaluation Form

HOW TO USE THIS FORM:

A public body is statutorily required to 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.

The Public Interest Threshold Evaluation provides public bodies with standardized criteria to use when evaluating a request for a fee-reduction/waiver submitted by a public records requestor under ORS 192.440(5). CDA shall consider each factor to determine whether the public interest in disclosure of the requested records warrants granting a fee-reduction/waiver.

All requests for a Public Interest Fee-Waiver or -Reduction will be evaluated on a case-by-case basis using information provided by the requestor as well as information independently available to CDA.

ADDITIONAL GUIDANCE:

- To adequately balance transparency and accessibility with the prudently safeguarding public funds and resources, fee-waivers and -reductions should be granted when the statutory standard has been met – when disclosure will primarily benefit the general public.
- A request to waive or reduce fees related to a public records request, that requires substantial CDA resources to complete, may be denied if the interest of the general public would be better served by preserving CDA resources.
- The public interest is not a fixed concept, and the balance of public interest may change over time. It may shift as information becomes older or in the light of issues of the day. The circumstances at the time of the request will be considered.
- A genuine public interest in the subject matter of a request is required as the basis for granting a waiver. The public interest is not necessarily the same as what interests the public. The fact that a topic has been discussed in the media does not automatically mean that there is a public interest in disclosing the information that has been requested about it.
- This standardized fee-structure does not supersede, modify or replace the existing legal responsibilities of the CDA. The CDA must continue to meet obligations required by applicable laws, policies, procedures and standards including without limitation: public records laws, privacy laws and regulations and fees for certain public records as defined in statute.

Note:

Requests for fee-reduction or waiver will be evaluated on a case-by-case basis based on:

- **The information provided by the requester; and**
- **The totality of circumstances at the time of the request.**

Previous requests and evaluations will not be considered as part of the evaluation.