

CROOKED RIVER RANCH FIRE & RESCUE
BOARD POLICY – PUBLIC RECORDS REQUEST
(5.01)

ADOPTED: 5/18/2017
REVISED: 1/13/2017
SUPERSEDES: 9/20/2012, 7/31/2012

PUBLIC RECORDS REQUESTS

PURPOSE:

The District, under the Oregon Public Records law, has established guidelines to accommodate the requests for the District's public records.

Oregon law states that every person has a right to inspect any non-exempt public record.

Requests for records of the District must be made under the Oregon Public Records Law. The District may require the records request to be in writing. This assists the District in identifying the records requested, and also, establishes the reason the District released the record, if releasing the record results in a legal challenge.

A. DEFINITIONS:

1. Public Records: Any writing containing 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 characteristic. Public records do 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, (ORS 192.410(4)).

2. Writing: Handwriting, typewriting, printing, photographing and every means of recording, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, files, facsimiles or electronic recordings. (ORS 192.410(6)).

B. PROCEDURES:

1. The District's custodian of public records, the District Office Administrator, will provide proper and reasonable opportunities for inspection and examination of the records in the office of the custodian, located at 6971 SW Shad Road, Terrebonne, Oregon, during usual business hours to persons seeking access to public records. The records will be made as soon as practicable and without unreasonable delay.

2. Additional information or clarification from the requester for the purpose of expediting the response to the request may be made. Additionally, the amount of time that is reasonable will depend upon the volume of records requested, the staff available to respond to the records request and the difficulty in determining whether any of the records are exempt from disclosure.
3. The written response from the public body must acknowledge receipt of the request and must include one of the following:
 - A. A statement that the public body does not possess, or is not the custodian of, the public record.
 - B. A request from the public body to clarify the public records request.
(EXHIBIT A)
 - C. A signed authorization to release medical records signed by the party in question.
(EXHIBIT C)
 - D. Copies of all requested public records for which the public body does not claim an exemption from disclosure under ORS 192.410 to 192.505.
 - E. A statement that the public body is the custodian of at least some of the requested public records, an estimate of the time the public body requires before the public records may be inspected 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.
 - F. A statement that the public body is the custodian of at least some of the requested public records and that an estimate of the time and fees for disclosure of the public records will be provided by the public body within a reasonable time.
 - G. A statement that the public body is uncertain whether the public body possesses the public record and that the public body will search for the record and make an appropriate response as soon as practicable.
 - H. A statement that the public records are exempt from public disclosure by State or Federal law.
 - I. A statement that state or federal law prohibits the public body from acknowledging whether the record exists or that acknowledging whether the record exists would result in the loss of federal benefits or other sanction-a statement under this paragraph must include a citation to the State or Federal law relied upon by the public body.

4. The District has established a fee schedule to recover its cost in gathering the records, reviewing and redacting non-public information from the record, and copying the record. The District may furnish copies without charge or at a substantially reduced fee if it is determined that the waiver or reduction of fees is in the best interest because making the record available primarily benefits either the District or the general public. (EXHIBIT B)
5. If the public record is maintained in a machine readable or electronic form, the custodian shall provide copies of the public record in the form requested, if available. If the public record is not available in the form requested, it shall be made available in the form in which it is maintained.
6. If there is doubt that the records requested for inspection are not clearly within the definition of “public record”, or are exempt records, the request may be referred to the District’s attorney for review and recommendation.
7. If a request to review original records is made, the District may permit such a review provided that search fees are paid in advance. A representative of the District shall be present at any time original records are reviewed.
8. At no time may an original record of the District be removed from the District’s files or the place at which the record is regularly maintained, except upon authorization of the District.
9. If any person attempts to alter, remove, or destroy any original record, the District representative shall immediately terminate such person’s review and notify the District Attorney.
10. The individual making the request for public records will complete a Public Records Request Form and present to the District’s office.
11. The District Office Administrator will forward the request to the appropriate department who will then complete the bottom portion of the Request Form and return it to the District Office Administrator. This form will approve or deny the request, and, if approved, include an estimated cost of fees that will be incurred. Prepayment of the estimated fees may be required before acting on the request. The District Office Administrator will draft a letter to the person making the public records request to inform him/her of the estimated charges and ask if he/she would like to continue with the records request.

12. Fees charged for records requests are set by resolution. They are reasonably calculated to reimburse the District for its actual cost in making records available and will include the cost of compiling or tailoring such record, and District Attorney charges, if applicable.
13. Payment of fees will be made at or prior to the delivery of the records.