



## Public Records

### Compliance

The Siuslaw Public Library District ("District") shall fully comply with the Oregon Public Records Law (ORS 192).

### Specificity of Request

In order to facilitate the public's access to records in the District's possession and to avoid unnecessary expenditure of staff time, persons requesting public records from the District shall specify applicable dates, subject matter, and any other detail necessary to enable District personnel to determine which records are being sought. Unclear or incomplete requests will be acknowledged with the "Request for Disclosure of Public Records" included in this policy. All requests must be made in writing (ORS 192).

### Access

The District shall permit inspection of its non-exempt public records during regular business hours in the District's office at 1460 9<sup>th</sup> Street, Florence, OR 97439. Copies of non-exempt public records maintained in electronic format shall be furnished, if available, in the form requested. If not available in the form requested, such records shall be made available in the form in which they are maintained (ORS 192).

As specified in ORS 192, the District will maintain a written procedure specifying the process for filing a public records requests with the District. This procedure will be made available to the public and will include the name and address of one or more District representatives to whom records requests can be sent. The procedure will also identify the rate and method for calculating fees for responding to public records requests.

### Responding to Requests

The District will respond within five business days to written records requests acknowledging the receipt of the request using the "Response to Public Records Request" included in this policy. An additional 10 business days will then be allowed for District personnel to fulfill the request or issue a written response estimating how long fulfillment will take. The District is not subject to this response timeframe if it is awaiting a response from the requester seeking clarification of the inquiry or if the requester has not agreed to pay for the records, provided that the cost is \$25 or more. Other considerations that apply are:

## **A River of Possibilities**

- Complicated requests
- Large volume of requests
- Requests involving documents not readily available
- If the necessary staff are unavailable to fulfill the request

### Public Records Custodian

The Siuslaw Public Library District's Public Records Custodian (Custodian) and coordinator will be the Library Director. Tasks associated with requests for public records may be assigned to various Library District staff members as deemed appropriate by the Custodian.

### Duties

This Section outlines the relevant duties of all Siuslaw Public Library District employees in regards to compliance with this Policy.

- A. Library Director.** The Library Director, or his/her designee, shall be responsible for the following:
1. Analyzing, developing, and providing written standards and procedures for the care and maintenance of Siuslaw Public Library District records, including those created and/or maintained in electronic format.
  2. Coordinating with legal counsel as necessary in analyzing, developing and providing written standards and procedures for the care and maintenance of Library District records, including those created and/or maintained in electronic format.
  3. Ensuring Library District records are maintained in a manner that meets guidelines set by the State Archivist.
  4. Administering Library District policy on public record disclosure as required by Oregon law.
  5. Reviewing all requests for public records and assessing compliance with this policy.
  6. Researching record requests and responding to such requests in compliance with applicable law.
  7. Providing any needed public records training to library employees.
- B. Administrative Assistant.** The Administrative Assistant shall be responsible for the following:
1. Coordinating with the Library Director in analyzing, developing and providing written standards and procedures for the care and maintenance of Siuslaw Public Library District records, including those created and/or maintained in electronic format.

2. Working with the Library Director to provide training to Library District employees on all aspects of records management.
3. In conjunction with legal counsel, as necessary, reviewing and approving all records for destruction.
4. As directed by the Records Custodian, the Administrative Assistant will make copies of requested records in response to a public records request.

C. **All Other Employees.** All other employees shall be responsible for maintaining all records in accordance with this Policy and shall seek the assistance and direction of the Library Director or Administrative Assistant as needed.

#### Fees for Public Records

The fee charged for a public records request will be reasonably calculated to reimburse the Siuslaw Public Library District for its actual costs in making the records, and may include:

- Charges for the time spent by Siuslaw Public Library District staff to locate the requested public records, to review the records in order to determine whether any requested records are exempt from disclosure, to segregate exempt records, to supervise the requestor's inspection of original documents, to copy records, to certify records as true copies, and to send records by special or overnight methods such as express mail or overnight delivery;
- A per-page charge for photocopies of requested records; and
- A per-item charge for providing CDs, audiotapes, or other electronic copies of requested records if such a record exists.
- If a request for records requires District personnel to spend more than fifteen (15) minutes searching, reviewing, or redacting non-exempt records prior to their review or release from copying, fees will be charged as outlined in the following schedule. The District shall estimate the total amount of time required to respond to the records request, and the person making the request shall make payment for the estimated cost of the search and copying of records in advance. If the actual time and costs are less than estimated, the excess money shall be refunded to the person requesting the records. If the actual costs and time are in excess of the estimated time, the difference shall be paid by the person requesting the records at the time the records are produced.
- Additional Charges: If a request is of such magnitude and nature that compliance would disrupt the District's normal

operation, the District may impose such additional charges as are necessary to reimburse the District for its actual costs of producing the records.

- Copies shall be certified for an additional fee of \$20.00 per requested record.

The Siuslaw Public Library District’s public records fee schedule is as follows:

Photo Copies	Standard (B&W)	\$0.10 per page
	Color	\$0.50 per page
	Maps and other non-standard documents	Actual cost to District
Digital Copies (if such exist)	Audio recording on CD-R	\$20 per recorded item
	Video recording on DVD-R	\$25 per recorded item
Labor Charges*	Administrative Staff	\$20.00 per hour
	Library Director	\$40.00 per hour
	Legal Counsel or other outside assistance	Actual rate charged to District

\*Labor charges will be charged in 10 minute increments.

- A waiver or fee reduction may be granted to a requestor if it is determined that the waiver or reduction is in the public interest because making the record available primarily benefits the general public. In making this determination, the Library Director or Board will consider (1) the character of the public interest in the particular disclosure, (2) the extent to which the fee impedes that public interest, and (3) the extent to which a waiver or reduction would burden the District.

#### Authorization Required for Removal of Original Records

At no time shall 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 Board or the District Manager.

On-Site Review of Original Records

If a request to review original records is made, the District shall permit a review provided that search fees are paid in advance as outlined above. A representative of the District shall be present at any time original records are reviewed, and the charges for this representative’s presence shall be the same as the charges for searching or reviewing records.

Unauthorized Alteration, Removal, or Destruction of Originals

If any person attempts to alter, remove, or destroy any District record, the District representative shall immediately terminate such person’s review and notify the District’s attorney.

Completion of a Public Records Request

A public records request will be regarded as complete when the District has:

- Provided access to or copies of all non-exempt requested records,
- Asserted any exemptions to disclosure,
- Complied with ORS 192 and separated exempt from non-exempt material and make non-exempt material available,
- Provided written statement that the public body is not the custodian of record,
- Provided a statement that federal or state law prohibits the public body from acknowledging whether any requested record exists, AND
- Told the requester appeals rights if exemptions were asserted.

The District will close any acknowledged request after 60 days if the requester fails to pay fees due or fails to respond to a request for clarification or additional information.

Denial of a Public Records Request

If a public records request is denied in full or in part, the Library Director shall provide the requestor a written denial, explaining the basis for the denial, with reference to the applicable law for the denial. All denial letters shall include notice that the requestor may appeal the denial to the Lane County District Attorney.

<i>Adopted by the Board of Directors:</i>	<u>November 16, 2005</u>
<i>Reviewed by the Board of Directors:</i>	<u>February 15, 2012</u>
<i>Reviewed by the Board of Directors:</i>	<u>October 16, 2019</u>

## **Siuslaw Public Library District: Request for Disclosure of Public Records**

NOTICE: All information included on this request form will become a public record. Do not include sensitive information such as social security numbers, account numbers, credit card numbers, etc.

Date:

Requester's Name:

Requester's Address:

Requester's Email Address:

Requester's Phone Number:

Requester's Fax Number:

I (we), \_\_\_\_\_ (name(s)), request that Siuslaw Public Library District and its employees make available for inspection OR provide a copy or copies of the following records:

Please provide the name or description of record(s) requested below. Provide dates and details as needed to allow District staff to identify the public record(s) requested:

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I wish to arrange an opportunity to personally inspect the requested records.

I wish to receive copies of the requested records.

If you're seeking a fee waiver or reduction, please explain how making these records available primarily benefits the general public:

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(Requester's Signature)

Please return completed form by mail, email, or fax to:

Records Request  
c/o Siuslaw Public Library Director  
Siuslaw Public Library District  
1460 9<sup>th</sup> Street  
Florence, OR 97439

ref@siuslawlibrary.org

Fax: 541-997- 6473

The Siuslaw Public Library District's Public Records Custodian is the Library Director.

## **Siuslaw Public Library District: Response to Public Records Request**

To: \_\_\_\_\_ [Requester]

In accordance with ORS 192.440(2), this is to acknowledge our receipt on [date] of your request for the following record[s]:

[Describe records requested.]

Having reviewed your request, we are able to inform you that:

\_\_\_ Copies of all requested public records for which Siuslaw Public Library District does not claim an exemption from disclosure under Oregon Statute are enclosed.

\_\_\_ Siuslaw Public Library District [does not possess/is not the custodian of] the requested record[s].

\_\_\_ Siuslaw Public Library District Library Director \_\_\_\_\_ has determined that the requested record(s) [are exempt/include exempt material]. [Cite to relevant state/federal law.]

\_\_\_ Siuslaw Public Library District is uncertain whether we possess the requested record[s]. We will search for the record and make an appropriate response as soon as practicable.

\_\_\_ Siuslaw Public Library District is uncertain whether we possess the requested record[s]. We will search for the record and make an appropriate response as soon as practicable.

\_\_\_ Siuslaw Public Library District is the custodian of at least some of the requested public records. We estimate that it will require [estimated time] before the public records may be inspected or copies of the records will be provided. We estimate that the fee for making the records available is \$ , which you must pay as a condition of receiving the records.

\_\_\_ Siuslaw Public Library District is the custodian of at least some of the requested public records. We will provide an estimate of the time and fees for disclosure of the public records within a reasonable time.

\_\_\_ [State/federal] law prohibits Siuslaw Public Library District from acknowledging whether the requested record[s] exist[s]. [Cite to relevant state/federal law.]

\_\_\_ Siuslaw Public Library District is unable to acknowledge whether the requested record[s] exist[s] because that acknowledgement would result in [the loss of federal benefits/other sanction]. [Cite to relevant state/federal law.]

Additional information:

To appeal the Siuslaw Public Library District's denial of any determination of requested fee waiver/reduction or denial of a public records request, please contact the Lane County District Attorney.