ADMINISTRATIVE PROCEDURE

SECTION 200	**PROCEDURE** 203-A
TITLE Public Records Request Procedure	**IMPLEMENTS POLICY** 203
SPONSORING DEPARTMENT County Administrative Office	**R&O** NA
ADOPTED October 18, 2018	**REVIEWED** March 29, 2024

OBJECTIVE: To establish procedures for responding to public records requests and calculating the fees for responding to such requests. Public records, except records exempt from disclosure at the discretion of the County per ORS Chapter 192, shall be made available as soon as practicable, without unreasonable delay and, as applicable, after reimbursement to the County for the actual cost of making public records available to the requestor.

PROCEDURES:

Each County department or office shall appoint one or more Public Records Officers (Exhibit "A") to be responsible for coordinating and assisting with implementation of these procedures:

1. Initial Assessment
   Staff who receive or process a public records request shall notify the department/office Public Records Officer and learn as much as possible about the records being requested.

   1.1. Requests for Readily Available Records - Simple, routine requests for readily available records may be handled immediately. In some cases, the requestor may be referred to the County website or other places where records are readily available and/or may be charged a fee reasonably calculated to cover the cost of producing these records.

   1.2. All Other Requests - Requests from journalist or media representatives shall be handled by a person authorized to speak with the media; nonetheless, the same steps outlined in this procedure shall be followed. If the requested records are not readily available, requestors should be encouraged, but not required, to submit a completed County Public Records Request Form (example form provided as Exhibit "B") to the department/office Public Records Officer.

1.3 Unless taken care of immediately, the request shall be acknowledged by sending the Requestor a completed Public Records Request Acknowledgement Form (example form provided as Exhibit "C") ***within five business days of receiving a request.***

2. Records Review

Except for readily available records that have been immediately addressed, the Public Records Officer shall:

2.1. Determine if the County is likely to have responsive records. The Public Records Officer shall make a ***preliminary*** determination as to whether the requested records exist, and whether all or a portion of the contents may be subject to exemption. This may include contacting or referring the requestor to Public Records Officers in other departments that may have relevant records. ***Avoid the actual gathering of records until a payment has been received under steps 3.1 or 3.2 below.***

2.2. Check with County Counsel. Public Records Officers shall contact County Counsel before responding if the requested records could relate to pending claims or litigation, or the County wants to treat them as confidential or exempt from disclosure. When in doubt, check with County Counsel.

2.3. Estimate costs of gathering responsive records. Public Records Officers shall also estimate the cost in staff time and any other expense required to locate the documents, perform redactions, ensure security during inspection and otherwise responding to the request. These estimates shall be based upon the applicable rates found in the current Washington County Fee Schedule.

3. Response

The Public Records Officer shall communicate the results of the preliminary records review to the requestor, using the Public Records Response Form (example provided as Exhibit "D") ***within 10 business days*** of sending the Acknowledgement Form. If the fee determined in step 2.3 above is greater than $25, Oregon law requires that the County ***provide the requester with a written notification of the estimated fee*** and ***receive confirmation from the requester*** before proceeding with making the records available. The County's response options include:

3.1. Waiting until payment is made. Absent unusual circumstances, no further work should be performed until the requestor responds and pays the appropriate fee or deposit. The requestor must consent to paying a fee required to cover the costs of gathering and producing the records. If this payment is not received within 60 calendar days of the date the County communicates the cost to the requestor, the records request will be considered closed and no further action would be needed.

3.2. Allowing inspection. The requestor may decide to inspect original files or records rather than obtain copies. Reasonable steps must be taken to ensure the records are protected from being altered, taken or destroyed. In cases where the County is asserting an exemption from disclosure of some records, the option to inspect original records may still involve duplicating originals in order to prepare redacted

copies. Reasonable fees calculated to cover the costs of gathering, preparing and safeguarding the requested records must be received before records are made available for inspection.

3.3. Clarifying the request. The County may need more information from the requestor to clarify what records are being requested. If the requestor does not provide this additional information within 60 calendar days of the date the County asks for this clarification, the records request will be considered closed.

3.4. Communicating that additional time is needed. When additional time is needed to answer a request, the County will advise the requestor and provide an estimated date when the responsive records could be provided. Records must be provided as this time is as soon as practicable and without unreasonable delay.

3.5. Declaring a lack of resources needed to proceed. There may be times when the County does not have staff available to respond at the moment of the request a high volume of requests may come in simultaneously and/or the request may impede the County's ability to provide other important services to the community. In any of these three cases, the County still must respond to the request as soon as practicable and without unreasonable delay.

4. Additional Considerations

4.1 Disclosure Format. Reasonable requests for a particular format or type of copy should be granted, such as providing a CD or electronic documents in PDF format rather than a hard copy. Reasonable steps must be taken to accommodate persons with disabilities and no fee may be charged for such an accommodation.

4.2 Waiver or Reduction of Fees. The fee may be waived if the cost of charging and collecting it would exceed the revenue obtained. The County may furnish copies without charge or at a reduced fee if the County Administrator or designee determines that making the record available primarily benefits the general public. The law prohibits waiving fees if the records were created through use of certain constitutionally dedicated funds, such as fuel taxes or motor vehicle fees, unless the cost of charging the fee would exceed the cost of providing the record. When in doubt about constitutional restricted funds, staff should consult with County Counsel.

4.2.1 Considerations for Deciding to Waive Fees for Public Records Requests

Under Washington County Administrative Policy 203, Section 3, only the County Administrator or designate may decide on waiving fees reasonably calculated to reimburse the County for the actual cost of making public records available as set out in ORS 192.324(4).

The County Administrator or designate shall consider the following criteria when determining whether, and to what extent, a fee waiver shall be granted. They

may waive the fee, issue a partial waiver, or deny the fee waiver request. The Sheriff's Office and the District Attorney have their own process for fee waiver requests.

1. Were the requested records created through uses of certain constitutionally dedicated funds, such as fuel taxes or motor vehicle fees? (If yes, no waiver is allowed under Oregon law.)

2. Would the cost of determining the fee exceed the cost of providing the record? (If yes, fees should be waived, as a readily available record, as defined in Administrative Policy 203.)

3. Would release of the requested records "primarily benefit the general public"? Determining the benefit to the public means that "furnishing of the record has utility—indeed, its greatest utility—to the community or society as a whole."

4. Other considerations include:

a. How narrowly tailored is the request to a matter of public interest?

b. What is the time and expense needed to fulfill the request?

c. What is the volume of the records requested?

d. Is there a need to segregate exempt from nonexempt materials?

e. Is the fee avoidable?

f. What ability does the requester have to pay the fee?

g. Is there an aggregate effect of numerous public records requests from the same requester?

h. Does the requester have the ability to disseminate the records?

i. Is the requester expressing the intention to share the records with the general public?

j. Is the requester a representative of the media, member of a community or neighborhood organization, member of a non-profit organization, or a person associated with schools or colleges?

4.3 Destruction of Records. County staff shall not alter or destroy a record that they reasonably think is subject to a current or reasonably anticipated public records request or is relevant to current or reasonably anticipated litigation. This includes records otherwise eligible for destruction.

4.4 Special Circumstances. The Public Records Officer or County Counsel shall be consulted whenever the request raises unusual or special concerns. Examples may

include: copyrighted materials, records relating to current tort claims or litigation, records held by county contractors o requests made directly to elected officials.

5. Resources:

5.1 Washington County Fee Schedule:
https://www.washingtoncountyor.gov/finance/fee-schedules

5.2 Attorney General's Public Records and Meetings Manual
https://www.doj.state.or.us/oregon-department-of-justice/public-records/public-records- and-meetings-law/

5.3 Catalog of Public Records Exemptions:
https://justice.oregon.gov/PublicRecordsExemptions/

EXHIBIT A
WASHINGTON COUNTY PUBLIC RECORDS OFFICERS

Public record requests may be sent to the following Washington County officials. Many public records are available on the Washington County website at the links provided below:

Department & Staff	Phone	Email
Assessment and Taxation		
155 N First Ave Hillsboro, OR 97124		
Anna Garcia	503-846-3891	anna_garcia@washingtoncountyor.gov
Angel Santiago	503-846-3894	angel_santiago@washingtoncountyor.gov
David Hamilton (Elections)	503-846-5822	david_hamilton@washingtoncountyor.gov
Auditor's Office		
221 S First Ave Hillsboro, OR 97123		
Kristine Adams-Wannberg	503-846-8785	kristine_adams-wannberg@washingtoncountyor.gov
Community Corrections		
150 N First Ave Suite 200 Hillsboro, OR 97124		
Heather Brown	503-846-3729	heather_brown@washingtoncountyor.gov
Meredith Smith	503-846-4315	meredith_smith@washingtoncountyor.gov
Community Development		
328 W Main St Suite 100 MS-7 Hillsboro, OR 97123		
Brian Johnson	503-846-4437	brian_johnson@washingtoncountyor.gov
Cooperative Library Services		
111 NE Lincoln St Suite 230-L MS-58 Hillsboro, OR 97124		
Barbara Johnson	503-846-3222	barbaraj@wccls.org
Anthea Tan	503-846-3222	antheat@wccls.org
County Administrative Office		
155 N First Ave Suite 300 MS-21 Hillsboro, OR 97124		
Brett Hodges	503-846-8300	brett_hodges@washingtoncountyor.gov
Philip Bransford	503-846-8685	philip_bransford@washingtoncountyor.gov
County Counsel		
155 N First Ave Suite 250 MS-24 Hillsboro, OR 97124		
Cortney Duke-Driessen	503-846-4870	cortney_duke-driessen@washingtoncountyor.gov
District Attorney's Office		
150 N First Ave Suite 300 MS-40 Hillsboro, OR 97124		https://www.washingtoncountyda.org/public-records
Kristin Kaufmann	503-846-8625	DAOffice@washingtoncountyor.gov
Emergency Management		
1400 SW Walnut St 241 MS-30 Hillsboro,OR 97123		
John Wheeler	503-846-7581	john_wheeler@washingtoncountyor.gov
Facilities & Park Services		
169 N 1st Ave, Hillsboro, OR 97124		
Tracey Nolin	503-846-8694	tracey_nolin@washingtoncountyor.gov
Finance Division		
155 N First Ave Hillsboro OR 97124		
Patrick Sluys	503-846-8735	patrick_sluys@washingtoncountyor.gov
Suzi Fulcher	503-846-8734	suzi_fulcher@washingtoncountyor.gov
Health and Human Services		
155 N First Ave Suite 170 MS-4a Hillsboro, OR 97124		
Mjere Simantel	503-846-8729	mjere_simantel@washingtoncountyor.gov
Wendy Socha	503-846-4915	wendy_socha@washingtoncountyor.gov
Housing Services		
111 NE Lincoln St Suite 200-L MS-63 Hillsboro, OR 97124-3082		
Hameed Alnassar	971-645-1056	hameed_alnassar@washingtoncountyor.gov
Emily Roots	503-846-4794	emily_roots@washingtoncountyor.gov

Department & Staff	Phone	Email
Human Resources		
155 N First Ave Suite 300 MS-21 Hillsboro, OR 97124		
Aaron Mendes	503-846-8311	aaron_mendes@washingtoncountyor.gov
Colette Sangerman	503-846-8808	colette_sangerman@washingtoncountyor.gov
Information Technology Services		
155 N First Ave MS-1 Hillsboro, OR 97124		
Destiny Fogarty-Olivas	503-846-4907	destiny_fogarty-olivas@washingtoncountyor.gov
Justice Court		
3700 SW Murray Blvd Room 2400 Beaverton, OR 97005		
Nicole GuzmanColburn	503-846-6620	nicole_guzmancolburn@washingtoncountyor.gov
Gertrude Jones	503-846-6606	gertrude_jones@washingtoncountyor.gov
Juvenile		
222 N First Ave Hillsboro, OR 97124		
Jennifer Cearley	503-846-8361	jennifer_cearley@washingtoncountyor.gov
Land Use and Transportation		
155 N First Avenue, Suite 350 Hillsboro, OR 97124		
Theresa Gartner	503-846-3718	theresa_gartner@washingtoncountyor.gov
Law Library		
111 NE Lincoln St Suite 250-L Hillsboro, OR 97124		
Amy Gregory	503-846-8864	amy_gregory@washingtoncountyor.gov
Sheriff's Office		
215 SW Adams Ave MS-32 Hillsboro, OR 97123-3874		
Cassaundra Sorensen	503-846-2766	cassaundra_sorensen@washingtoncountyor.gov
Westside Commons/Fair Complex		
801 NE 34th Ave Hillsboro, OR 97124		
Leah Perkins-Hagele	503-846-2212	leah_perkins-hagele@washingtoncountyor.gov

EXHIBIT B

Note: So long as statutory compliance is maintained, this sample form may be adjusted for the records and response processes that are unique to each department/office.

Public Records Request

Please submit this form to (Insert County Public Records Officer contact information):

Unless the records are immediately available, a form will be sent to you indicating what records are available. Pursuant to ORS 192.440, a public body may charge reasonable fees to make records available as well as reproduction charges, if applicable. You will be provided a written estimate if the cost may exceed $25.00. All fees or deposits must be paid prior to accessing the records.

Name: Phone:

Address:

City, State, Zip Code:

Email:

NOTE: State and federal law prohibits disclosure of certain records and permits certain public records to be withheld from disclosure.

Records Requested: *Describe the records as specifically as possible, including relevant dates, subject matter and type of record.*

Washington County's Public Records Policy and Fee Schedule are available at:
http://www.co.washington.or.us/CAO/PoliciesRules/

Persons with disabilities may be entitled to have records transferred to an accessible format at no extra charge.

Version 3.0 | January 2018

EXHIBIT C

Note: So long as statutory compliance is maintained, this sample form may be adjusted for the records and response processes that are unique to each department/office.

Public Records Request Acknowledgment

To:

Phone: Email:

Postal Address:

From:

Dept:

Phone: Email:

Address:

Date of request:

We understand you are requesting the following public records:

In accordance with ORS 192.324(2), the County hereby acknowledges receipt of your written request for records. Having reviewed your request, the County is able to inform you that (mark only one of the following):

- ❑ The County **is a custodian** of some or all of the requested records. We will provide a response within 10 business days. If the cost of gathering the requested records is greater than $25, the County will provide a written notification and await confirmation and payment before proceeding.
- ❑ The County **does not possess** the requested records or **is not the custodian** of the records. You may want to pursue your request with
- ❑ The County is uncertain whether it is the custodian of the records. We will provide a response within 10 business days.

Date this acknowledgment made: Initials of Public Records Officer:

Version 4.0 | October 2018

EXHIBIT D

Note: So long as statutory compliance is maintained, this sample form may be adjusted for the records and response processes that are unique to each department/office.

Public Records Request Response

To:
Phone: Email:
Address:

From:
Dept:
Phone: Email:
Address:

Date of request:
We understand you are requesting the following public records:

Washington County has received your written public records request. The County previously acknowledged your written request on this date:
To complete the County's response, appropriate sections of this form will be filled in to provide you with a general understanding of the process, legal restrictions and possible costs involved. In some cases, the County may need additional information from you to help identify the records requested. If so, we will contact you as soon as possible to learn more about the records you are seeking. If the County contacts you for further information or clarification and you fail to respond, we will suspend this request until we hear from you. **If you fail to respond within 60 days, the County will close this public records request.**

1. NO PRODUCTION

Having reviewed your request, the County is able to inform you that (please mark all that apply):

- ☐ The County has determined that our organization is not a custodian of the requested records. You may want to pursue your request with the following agency

- ☐ The County is a custodian of the requested records but is asserting an exemption from disclosure pursuant to Oregon law **for all** of the records. The citation for this law is:

  Additional explanation:

- ☐ The County is asserting the following **state or federal law that prohibits** the County from acknowledging whether the requested records exist, or would result in the loss of federal benefits or the imposition of some other sanction if the existence of these records were acknowledged:

This denial is based on the information available to the County at the time of this request. Please contact the person listed above if you think that this denial is in error or have any questions.

Date this denial made: Initials of Public Records Officer:

2. PRODUCTION & COST ESTIMATE

The County **is custodian** of some or all of the requested records. One or more of the following conditions apply to your request (mark all that apply):

- ☐ Some of these records may already be available at no charge by visiting the County's website at (insert link):

- ☐ There is a cost associated with gathering and providing the records. We estimate it will require business days before the records may be inspected or copies of the records will be provided. Unless a fee waiver has been granted and as a condition of receiving the requested records (mark one of the following):

- ☐ You must first pay all applicable copying and other charges, which are estimated at less than $25.00 (unless the cost of charging the fee would exceed the cost of providing the records). These charges total $

Production & Cost Estimate continued on page 3.

☐ You must first pay a deposit of $, which is the estimated cost of preparing the records. If the actual cost is less, you will receive a refund. If the actual cost is more, you must pay the full amount due prior to accessing the documents.

Please make payments payable to **Washington County** by check, credit card or money order to the attention of the County employee named at the top of the first page of this form. Payment must be received **before** the County will begin work gathering and producing records for this request. More information about applicable fees can be Found in the Washington County Fee Schedule at: http:Uwww..eo.washinqton.or.us/ Support_Services/Finance/fee-schedules.cfm **Please note: If you fail to pay the fee or deposit within 60 days of this date, the County will close this public records request.**

☐ If this box is checked, the County is asserting at least one exemption from disclosure pursuant to Oregon or federal law **for some** of the requested records. The applicable citations include:

The County reserves the right to assert other applicable bases for non-disclosure at any time. Additional explanation:

If you disagree with the County's determination that one or more exemptions apply to the requested records, you may seek a review of this decision through the means provided in Oregon Revised Statutes 192.401 to 192.431.

Date this cost estimate provided to requestor: Initials of Public Records Officer:

3. MORE TIME NEEDED TO COMPLETE REQUEST

The County requires additional time to process this request because (mark all that apply):

☐ Additional information is needed about the requested records, specifically:

More Time Needed to Complete Request continued on page 4.

Until this additional information or clarification is provided, the County may suspend the work necessary to gather and process the requested records. **If this additional information is not shared with the County within 60 days of today, the County will close this public records request.**

- ☐ The County is still processing the request and expects to complete its response on

Date: Initials of Public Records Officer:

4. COMPLETING THE REQUEST NOT POSSIBLE AT THIS TIME

- ☐ The County is currently not able to complete this request because (mark all that apply):
- ☐ Staff is currently unavailable to complete the response.
- ☐ Completing the County's response would currently impede the County's ability to perform other necessary services for the community.
- ☐ There is currently a large volume of public records requests being simultaneously processed by the County.

Once the issue(s) identified above are addressed, the County intends to respond to this public records request as soon as practicable and without unreasonable delay.

Date: Initials of Public Records Officer:

5. FEE WAIVER (For County Admin. Only)

County policy authorizes **only the County Administrator** or designee to reduce or waive fees if making the requested records available primarily benefits the general public. The law prohibits waiving fees if the records were created through use of certain constitutionally dedicated funds, such as fuel taxes or motor vehicle fees, unless the cost of charging the fee would exceed the cost of providing the record.

- ☐ No fee waiver is allowed. Please pay the amount listed above to pursue your request.

  Fees for this request are reduced by %.
- ☐ Please pay $ to pursue your request.
- ☐ All fees are waived for this request.

Additional explanation:

Date of waiver decision: Initials of County Administrator or designee:

6. RESPONSE COMPLETE

Copies of all requested records for which the County does not claim an exemption from disclosure were provided to you on this date:

Initials of Public Records Officer: