

LEGISLATIVE COUNSEL COMMITTEE	Policy and Administrative Procedure Manual
Section: Administrative, Legal and Publication Services	
Subject: Public Records Request Policy	Number: 142-109
Approved by: Legislative Counsel Committee	Date: 1-10-18

Purpose: To establish procedures by which the Office of the Legislative Counsel (Legislative Counsel) will assist the Legislative Assembly and its members in responding to public records requests, in compliance with ORS 192.311 to 192.478.

Policy: All public records requests to the Legislative Assembly or its members or staff must be in writing and must be addressed to the Public Records Staff Attorney and sent to the care of the Office of the Legislative Counsel. Mail requests must be sent to:

Legislative Branch Public Records Request
c/o Office of the Legislative Counsel
900 COURT STREET NE S101
SALEM OREGON 97301-4065

Email requests must be sent to Leg.RecReq@oregonlegislature.gov.

The request must state the legislative body, member or legislative employee to which the request is directed, the date of the request and that it is a public records request. The request must describe in particularity the document or documents being requested. The request must state the name of the requester and the name of the organization for which the request is being made, if any. The request must list either an electronic mail address or a United States Postal Service mailing address to which the records and any correspondence related to the request will be sent.

If a fee waiver is being requested, the request must state:

- 1) That a fee waiver is requested;
- 2) The use or potential uses for the requested information by the requester;
- 3) Whether the request is related to any commercial or political opposition research purpose (including whether the requester or the requester's organization is being paid by a third party to request the document(s)); and
- 4) Whether the request is related to any potential legal or administrative proceedings.

Legislative Counsel shall respond to public records requests within five business days, as defined in ORS 192.311, of receipt of the request. The response will acknowledge the request and state whether the public body to which the request was directed is the custodian of record for the requested document(s). Within 10 business days after the date by which an acknowledgement is required, Legislative Counsel shall provide an estimated completion date if the request has not yet been completed. Thereafter, Legislative Counsel will provide a revised completion date if the request is not completed by the previously estimated completion date. If a public records request is received by a legislative body, member or legislative employee, but has not been addressed as described in this policy, Legislative Counsel shall respond to the public records request within five business days of the date Legislative Counsel has been made aware of the request.

Multiple similar requests made to one or more legislative bodies, members or legislative employees may, at the discretion of Legislative Counsel, be combined to promote uniformity and cost-effective administration of the public records request process in the legislative branch.

Legislative Counsel will work with the legislative body, member or legislative employee to: identify responsive records; estimate the time required to gather, review and redact responsive records; and review the documents for responsiveness and to determine whether an exemption to public disclosure should be asserted.

Prior to completing a request, Legislative Counsel shall notify the requester of estimated fees and may confer with the requester regarding how to minimize the document search and production while staying within the scope and intent of the request, if the fees associated with completing the request will exceed \$25. The time frames for responding to the request, as outlined above, are suspended for the time in which Legislative Counsel is waiting for a requester to approve the estimated fees or to respond to an inquiry made in good faith to clarify the scope or intent of the request. If the requester does not approve the estimated fees or respond to a good faith effort to clarify the scope or intent of the request within 60 days of the estimate or inquiry, Legislative Counsel shall close the request.

If the legislative body, member or legislative employee asserts an exemption from disclosure or redacts a portion of a responsive public record, in completing the request Legislative Counsel will include a notice of the specific exemption(s) claimed and the requester's appeal rights pursuant to ORS 192.401, 192.407, 192.411, 192.415, 192.418, 192.422, 192.427 and 192.431.