Chapter 192

1955 REPLACEMENT PART

Public Records

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CROSS REFERENCES

Destruction of, or failure to produce, public records prohibited, 162.620
Records to be in English, 162.610
Replacing lost or destroyed tracings of plats, 92.130

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Medical records of inmates of institutions, right to inspect, 179.495
Public assistance records, right to inspect, 411.310 to 411.335
Public writing defined, 43.010
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192.080

State Archivist's duties in connection with public records, 358.010 to 358.080

192.010 Right to inspect public writings. Every citizen of this state has a right to inspect any public writing of this state, except as otherwise expressly provided by statute.

192.020 Public officers bound to give copies. Every public officer having the custody of a public writing which a citizen has a right to inspect is bound to give him, on demand, a certified copy of it, on payment of the legal fees therefor.

192.030 Officers to furnish opportunities for inspection of records. All officers having custody of any state, county, school, city or town records shall furnish proper and reasonable opportunities for inspection and examination of records and files in their respective offices, and reasonable facilities for making memoranda or abstracts therefrom, during the usual business hours, to all persons having occasion to make examination of them for any lawful purpose. The custodian of the records and files may make reasonable rules and regulations necessary for the protection of the records and files and to prevent the interference with the regular discharge of the duties of such officer.

192.040 Making of records by microphotography and similar means. Any department, commission, board, officer or agency of this state or of any of the counties, cities or districts thereof making any journal, register, docket, entries, index or other record or receiving and filing or recording or both filing and recording, documents, instruments, writings or other papers whatever in pursuant of law, or in connection with the transaction of public business, or both, may do such making or receiving and filing or recording, or both such filing and recording, by means of photography, microphotography, photocopying or filming. Such photography, microphotography, photocopying or filming shall, except for records which are treated as confidential pursuant to law, be made, assembled and indexed, in lieu of any other method provided by law, in such manner as the governing body of the department, commission, board, officer or agency deems appropriate and shall be made on such paper or film as complies with the minimum standards of quality approved therefor by the National Bureau of Standards.

192.050 Reproduction on film of records; status of reproduction. Any department, commission, board or officer mentioned in ORS 192.040 may, with the approval of the proper budgetary authority, cause any or all journals, registers, dockets, entries, indexes, files or records in its or his official custody to be photographed, microphotographed, photocopied or otherwise reproduced on film as in the case of original filings or recordings, or both. Every such reproduction shall be deemed and considered an original; and a transcript, exemplification or certified copy of any such reproduction shall be deemed and considered a transcript, exemplification or certified copy, as the case may be, of the original.

192.060 Indexing and filing of microphotographed records; microfilm roll deemed book or volume. All such photographs, microphotographs, photocopies and films shall be properly indexed and placed in conveniently accessible files. Each roll of microfilm shall be deemed and constitute a book or volume and shall be designated and numbered and provision shall be made for preserving, examining and using the same.

192.070 Duplicate rolls of microfilm; when duplicate may be used as original. A duplicate of every roll of microfilm of documents recorded pursuant to law and the indexes therefor shall be made and kept safely. The State Archivist upon request may accept for safekeeping, in so far as it may be practicable for him to do so, any duplicate microfilm of an original current record. If the original record and original roll of microfilm are lost, destroyed, mutilated or defaced, the duplicate may be considered an original, with the same uses and effect as the original under ORS 192.050.

192.072 State Archivist performing microfilm services for state agency or public corporation. (1) As used in this section, "public corporation" includes a city, county, district and any other municipal corporation or political subdivision in Oregon.

(2) Upon request of a state agency or public corporation, the State Archivist may perform microfilm services for the state agency or public corporation. The cost of rendering the microfilm services shall be paid to the State Archivist by the state agency or public corporation. The moneys received under this section shall be deposited in the Microfilm Service Revolving Fund. [1955 c.87 §1]

192.074 Microfilm Service Revolving Fund. There hereby is established the Microfilm Service Revolving Fund in the State Treasury. The moneys in the Microfilm Service Revolving Fund hereby are appropriated continuously to the State Archivist for the purpose of performing microfilm services as provided in ORS 192.072. [1955 c.87 §2]

192.076 Transfer to microfilm equipment pool of microfilm equipment not required by state agencies. (1) As used in this section, "microfilm equipment" includes supplies, parts and equipment for the operation, maintenance or repair of microfilm equipment.

(2) Subject to subsection (3) of this section, the State Archivist shall study and ascertain the present needs for microfilm equipment by state agencies and, with the approval of the Director of the Department of Finance and Administration, shall require the transfer to the state microfilm equipment pool of any microfilm equipment found not to be required by state agencies. The state microfilm equipment pool shall be under the control of the State Archivist and shall be used by him in carrying out the provisions of ORS 192.072 and 192.074.

(3) Microfilm equipment shall not be transferred to the state microfilm equipment pool under subsection (2) of this section if daily or frequent use of the microfilm equipment is required by the state agency and the Director of the Department of Finance and Administration determines that it would unduly hinder the state agency in the performance of its functions if the microfilm equipment were transferred.

(4) Where any microfilm equipment transferred pursuant to subsection (2) of this section was purchased by the state agency from which transferred from a dedicated or trust fund, an amount equal to the current market value of the equipment shall be paid to the state agency or shall be entered upon the accounts of the Microfilm Service Revolving Fund as a credit in favor of the agency from which the microfilm equipment was transferred, and any charges thereafter made to such state agency pursuant to ORS 192.072 for microfilm services furnished to the state agency shall be offset against such credit until the entire amount of the credit has been utilized. [1955 c.87 §3]

192.080 Notice to State Archivist prior to destruction of state records and papers. All specific authorizations made by law for the destruction of papers, letters, documents, files and records in the possession of any state officer, department, board or commission are subject to 10 days' notice to, and opportunity for review by, the State Archivist prior to any destruction. If upon any such review it appears to the State Archivist that any such papers, letters, documents, files or records are worthy of preservation, and the State Archivist requisitions them, they shall be transferred to his official custody by the officer, department, board or commission possessing them.

192.090 Requesting authority to dispose of valueless records and papers of state agencies. Except as otherwise provided by law, any state officer, department, board or commission having in his or its possession papers, letters, documents, files or records of, or relating to the affairs of, his or its office, or other like records, including such as are duplicates by reason of their having been photographed, microphotographed, photocopied or filmed, or as no longer are necessary under or pursuant to any law requiring their creation or maintenance or affecting their use, which are deemed by such possessor to be of no value to the state or the public, may submit a statement or summary thereof to the State Board of Control, certifying the type and nature of such papers, letters, documents, files or records, and requesting approval of the destruction or other disposal thereof.

192.100 Disposition of state agency's valueless records and papers. Upon receipt of the approval of the State Board of Control, the state officer, department, board or commission shall file such approval, together with a copy of his or its statement and certificate made to the State Board of Control, in the permanent files of his or its office, and thereupon may cause any such papers, letters, documents, files or records to be destroyed or otherwise disposed of. He or it shall transfer to the official custody of the State Archivist any such papers, letters, documents, files or records so authorized to be disposed of, which are more than 50 years old, and which have been photographed, microphotographed, photocopied or filmed, as the archivist may requisition.

192.105 Grant of continuing authority to state agency to dispose of its records. (1) As used in this section:

(a) "Records" means papers, letters,

documents, files or other records and includes records made by microphotography and similar means.

(b) "State agency" means any state officer, department, board or commission.

(2) Except as otherwise provided by law, the State Board of Control may grant continuing authorization for the disposition by any state agency of records of, or relating to the affairs of, its office, or other like records, which are in its possession, after they have been in existence for a specified period of time. In granting such continuing authorization, the State Board of Control shall establish rules and regulations for the procedure for the disposition of the records.

(3) The authorization granted pursuant to subsection (2) of this section is subject to ORS 192.080. The procedure prescribed for the disposition of records under subsection (2) of this section shall be followed in the exercise of the continuing authorization granted by that subsection to destroy records; but the State Auditor and the State Archivist shall periodically review the continuing authorization and make recommendations for any changes in the authorization granted or the procedure established by the State Board of Control that they consider necessary or desirable. The State Board of Control shall consider the recommendations and may change the authorization granted or the procedure prescribed for the first disposition. [1953 c.224 §1]

192.110 State Board of Control's disposition of useless records. The State Board of Control may cause to be destroyed or otherwise disposed of any such old and valueless papers, letters, documents, files or records of, or relating to the affairs of, its office, or other like records in its possession, including such thereof as are duplicates by reason of their having been photographed, microphotographed, photocopied or filmed, upon filing in its permanent files a statement and certificate of the form and substance required by ORS 192.090 of other state officers, departments, boards and commissions.

192.120 Secretary of State's disposition of old vouchers. The Secretary of State may, on or about April 1 of each year, cause to be destroyed or otherwise disposed of any or all vouchers on file in his office representing claims against the state, for the payment of which warrants have been issued more than four years prior to July 1 of the preceding year and which have been paid.

192.130 Destruction of records of State Archivist. If any papers, letters, documents, files or records of former agencies of the state in the official custody of the State Archivist, including such thereof as are duplicates by reason of their having been photographed, microphotographed, photocopied or filmed, prove to be of insufficient value to warrant permanent preservation, the State Archivist may submit a statement or summary thereof to the State Board of Control certifying the type and nature thereof and requesting approval of the destruction or other disposal thereof in accordance with the procedure provided by ORS 192.100.

192.140 Requesting authority to dispose of valueless county records and papers. Except as otherwise provided by law, any county officer, department, board or agency having in his or its possession papers, letters, documents, files or records of, or relating to the affairs of, his or its office, or other like records, including such thereof as are duplicates by reason of their having been photographed, microphotographed, photocopied or filmed, or as no longer are necessary under or pursuant to any law requiring their creation or maintenance or affecting their use, which are deemed by such county officer, board, department or agency to be of no value to the county or the public, may, by and with the advice, consent and assistance of the district attorney and the State Archivist, submit a statement or summary thereof to the county court or board of county commissioners of such county, certifying the type and nature of such papers, letters, documents, files or records, and requesting approval of the destruction or other disposal thereof.

192.150 Disposition of valueless county records and papers. Upon receipt of the approval of the county court or board of county commissioners, such county officers, board, department or agency shall file the approval, together with a copy of his or its statement and certificate made to the county court or board of county commissioners, in the permanent files of his or its office, and thereupon may cause any such papers, letters, documents, files or records to be destroyed or otherwise disposed of. The officer, board, department or agency shall transfer to the official custody of the State Archivist any such papers, letters, documents, files or records so authorized to be disposed of, which are more than 50 years

old, and which have been photographed, microphotographed, photocopied or filmed, as the archivist may requisition.

192.160 Disposition of the county court's valueless records and papers. With the advice and consent of the State Archivist, the county court or board of county commissioners may cause to be destroyed or otherwise disposed of any such old and valueless papers, letters, documents, files or records of, or relating to the affairs of, its office, or other like records in its possession, including such as are duplicates by reason of their having been photographed, microphotographed, photocopied or filmed, upon filing in the permanent files of the county a statement and certificate of the form and substance required by ORS 192.140 of other county officers, boards, departments and agencies. The court or board of county commissioners shall transfer to the official custody of the State Archivist any such papers, letters, documents, files or records so authorized to be disposed of, which are more than 50 years old and which have been photographed, microphotographed, photocopied or filmed, as the archivist may requisition.

192.170 Disposition of state and county records, papers or materials without authorization. The destruction or other disposal of library or museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience or reference, or inquiries and requests from the public and answers thereto not required by law to be preserved or not required as evidence of a public or private legal right or liability, and stocks of publications and processed documents, over and above those in the possession of state officers, departments, boards or commissions needed for distribution by the State Library, shall not require the authorization provided for in ORS 192.090 to 192.160.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on October 15, 1955.

Sam R. Haley
Legislative Counsel