Chapter 192

1965 REPLACEMENT PART
(1967 reprint)

Public Records

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192.005 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Archivist" means the State Archivist.

(2) "Photocopy" includes a photograph, microphotograph and any other reproduction on paper or film in any scale.

(3) "Photocopying" means the process of reproducing, in the form of a photocopy, a public record or writing.

(4) "Political subdivision" means a city, county, district or any other municipal or public corporation in this state.

(5) "Public record" means a document, book, paper, photograph, file, sound recording or other material, such as court files, mortgage and deed records, regardless of physical form or characteristics, made, received, filed or recorded in pursuance of law or in connection with the transaction of public business, whether or not confidential or restricted in use. "Public records" includes correspondence, public records made by photocopying and public writings, but does not include:

(a) Records of the Legislative Assembly, its committees, officers and employes.

(b) Library and museum materials made or acquired and preserved solely for reference or exhibition purposes.

(c) Extra copies of a document, preserved only for convenience of reference.

(d) A stock of publications.

(6) "Public writing" means a written act or record of an act of a sovereign authority, official body, tribunal or public officer of this state, whether legislative, judicial or executive.

(7) "State agency" means any state officer, department, board, commission or court created by the Constitution or statutes of this state. However, "state agency" does not include the Legislative Assembly or its committees, officers and employes.

[1961 c.160 §2; 1965 c.302 §1]

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 Right to inspect public records. The custodian of any public records of the state or a political subdivision, unless otherwise expressly provided by statute, shall furnish proper and reasonable opportunities for inspection and examination of the records in his office and reasonable facilities for making memoranda or abstracts therefrom, during the usual business hours, to all persons having occasion to make examination of them. The custodian of the records may make reasonable rules and regulations necessary for the protection of the records and to prevent interference with the regular discharge of his duties.

[Amended by 1961 c.160 §4]

192.040 Making, filing and recording records by photocopying. A state agency or political subdivision making public records or receiving and filing or recording public records, may do such making or receiving and filing or recording by means of photocopying. Such photocopying 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 state agency or political subdivision considers appropriate.

[Amended by 1961 c.160 §5]

192.050 Photocopying records; evidentiary effect. A state agency or political subdivision may, with the approval of the proper budgetary authority, cause any public records in its official custody to be photocopied as in the case of original filings or recordings. Every such reproduction shall be deemed an original; and a transcript, exemplification or certified copy of any such reproduction shall be deemed a transcript, exemplification or certified copy, as the case may be, of the original.

[Amended by 1961 c.160 §6]

192.060 Indexing and filing photocopied records. All photocopies made under ORS 192.040 and 192.050 shall be properly indexed and placed in conveniently accessible files. Each roll of microfilm shall be deemed a book or volume and shall be designated and numbered and provision shall be made for preserving, examining and using the same.

[Amended by 1961 c.160 §7]

192.070 Duplicate rolls of microfilm required; delivery to State Archivist. 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, pursuant to ORS 357.865, accept for safekeeping the duplicate microfilm.
[Amended by 1961 c.160 §8]

192.072 State Archivist performing microfilm services for political subdivision or state agency. (1) As used in this section:

(a) "Political subdivision" includes a city, county, district and any other municipal or public corporation in Oregon.

(b) "State agency" includes any state officer, department, board, commission or court, the Legislative Assembly, its committees, officers and employes.

(2) Upon request of a state agency or political subdivision, the State Archivist may perform microfilm services for the state agency or political subdivision. The cost of rendering the microfilm services shall be paid to the State Archivist by the state agency or political subdivision. The moneys received under this section shall be deposited in the Miscellaneous Receipts Account for the State Library.
[1955 c.87 §1; 1961 c.172 §3]

192.074 [1955 c.87 §2; repealed by 1961 c.172 §7]

192.076 [1955 c.87 §3; repealed by 1961 c.172 §7]

192.080 Notice to State Archivist prior to destruction of records by state agency. All specific or continuing authorizations made by law for the destruction of public records in the possession of any state agency are subject to 10 days' notice to, and opportunity for review by, the State Archivist prior to any destruction. If upon review it appears to the State Archivist that any of the public records are worthy of preservation, and the State Archivist requisitions them, they shall be transferred to his official custody by the state agency possessing them.
[Amended by 1961 c.160 §9]

192.090 [Repealed by 1961 c.160 §24]

192.100 [Repealed by 1961 c.160 §24]

192.105 Authorization for state agency to dispose of its records; legislative records excepted. (1) Except as otherwise provided by law, the State Board of Control may grant specific or continuing authorization for the disposition by any state agency of public records which are in its possession, after they have been in existence for a specified period of time. In granting such specific or continuing authorization, the State Board of Control shall establish rules and regulations for the procedure for the disposition of the public records.

(2) The authorization granted pursuant to subsection (1) of this section is subject to ORS 192.080. The procedure prescribed for the disposition of public records under subsection (1) of this section shall be followed in the exercise of continuing authorization granted under that subsection to destroy public 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.

(3) This section does not apply to legislative records, as defined in ORS 171.410.
[1953 c.224 §1; 1961 c.160 §10; subsection (3) enacted as 1961 c.150 §5]

192.110 State Board of Control's disposition of its valueless records. The State Board of Control may, subject to ORS 192.080 and in accordance with regulations prescribed by the State Archivist, cause to be destroyed or otherwise disposed of any old and valueless public records in its possession.
[Amended by 1961 c.160 §11]

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 Disposition of valueless records in custody of State Archivist. If any public records of a state agency or political subdivision in the official custody of the State Archivist 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 and to the state agency, successor state agency or governing body of the political subdivision, certifying the type and nature

thereof and requesting approval of the destruction or other disposal thereof. Upon receipt of such approval, the State Archivist may destroy or otherwise dispose of the public records. If the state agency or political subdivision no longer exists and there is no successor state agency, the State Archivist may, upon approval of the State Board of Control, destroy or otherwise dispose of the records.
[Amended by 1961 c.160 §12]

192.140 Request by county for authority to dispose of its valueless records. Except as otherwise provided by law, any county officer, department, board or agency having in his or its possession public records which are considered by such possessor to be of no value to the county or the public, may with the consent of the district attorney submit a statement or summary thereof to the county court or board of county commissioners of such county, certifying the type and nature of the public records, and requesting approval of the destruction or other disposal thereof in accordance with regulations prescribed by the State Archivist.
[Amended by 1961 c.160 §13]

192.150 Disposition of valueless county records. Upon receipt of the approval of the county court or board of county commissioners, such county officer, 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 the public records to be destroyed or otherwise disposed of in accordance with regulations prescribed by the State Archivist. The officer, board, department or agency shall transfer to the official custody of the State Archivist any such public records so authorized to be disposed of as the archivist may requisition.
[Amended by 1961 c.160 §14]

192.160 Disposition of valueless records in custody of governing body of county. In accordance with rules and regulations prescribed by 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 public records in its possession 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 public records so authorized to be disposed of as the archivist may requisition.
[Amended by 1961 c.160 §15]

192.170 Disposition of materials without authorization. The destruction or other disposal of the following materials do not require the authorization provided for in ORS 192.105 to 192.160:

(1) 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.

(2) Public records which are duplicates by reason of their having been photocopied.
[Amended by 1961 c.160 §16]

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 November 15, 1965.

Sam R. Haley
Legislative Counsel