

LEGISLATIVE COUNSEL COMMITTEE		Policy and Administrative Procedure Manual	
Section: Administrative, Legal and Publication Services			
Subject: Public Records Request Fee Policy		Number: 142-112	
Approved by: Legislative Counsel Committee		Date: 9-24-18	

Purpose: To establish uniform procedures by which the legislative branch charges fees that are “reasonably calculated to reimburse the public body for the public body’s actual cost of making public records available,” in compliance with ORS 192.324, or determines to waive or reduce fees.

Policy: After receiving a written public records request pursuant to the Legislative Assembly’s written public records request policy, Legislative Counsel and Information Services shall work with the legislative body, members or employees to: locate and identify responsive records; estimate the time required to gather, review and redact responsive records; and review the records for responsiveness and to determine whether an exemption to public disclosure should be asserted.

Legislative Counsel shall assess fees that are reasonably calculated to reimburse the legislative branch for the costs associated with providing copies of public records to the public, unless it is in the public interest to waive or reduce those fees.

Public records request fees shall be calculated based upon the type of work being performed, rather than the salary of the employee performing the work, to provide public records to the public at the least cost possible. Clerical work such as scanning, copying, searching for paper records and reviewing records to determine responsiveness to the request will be billed at \$25 per hour. More complicated work requiring knowledge of the legislative process and business or internal operations of legislative branch offices will be billed at \$40 per hour. Professional-level work requiring comprehensive knowledge of public records law or other law or information technology expertise will be billed at \$75 per hour. Any costs for products or services performed by third parties will be billed at actual cost.

Public records request fees shall be waived or reduced if the request is in the public interest. An interest in open and transparent government generally, or an interest in facilitating further communication by the requester, does not constitute public interest in the requested records. To be eligible for reduced fees the request must be unrelated to any commercial or political opposition research purpose, the requester and requester’s organization may not be paid by a third party to request the records and the request must be unrelated to any potential legal or administrative proceeding involving the

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requester. Public records requests that meet the initial public interest test shall be subject to a 40 percent reduction in fees.

To be eligible for a fee waiver the request must meet both the initial public interest test described in the preceding paragraph and the comprehensive public interest test. To meet the comprehensive public interest test, the request must be narrowly tailored to preserve public resources, to describe the requested records with specificity and to only include records in which there is a public interest. Since the comprehensive public interest test balances the conservation of public resources against the public interest in disclosure, requests seeking all documents related to a broad topic, multiple smaller topics or from many different legislative offices will generally not be eligible for a fee waiver unless the requester can demonstrate that there is a strong public interest in disclosure.

If fees to complete a public records request as otherwise determined under this policy are \$25 or less, the fees are waived.