

Helpful Hints for Responding to Public Records Requests

Consider designating one person to coordinate responses to public records requests. This will ensure consistent and, generally, more timely responses.

Upon receiving a records request, review the request to see if it is ambiguous, overly broad or misdirected. If so, contact the requester for clarification. Also, clarify whether the requester merely wants an opportunity to inspect the records or actually wants copies of the records. A brief conversation with a requester can save considerable time and expense in responding to records requests.

If the initial review reveals that the request is not ambiguous, overly broad or misdirected, or if the request was clarified after contact with requester, provide the response required by ORS 192.440(2) as soon as practicable and without unreasonable delay. (See p. B-6).

Remember that the Public Records Law gives public bodies a reasonable time to make the records requested available to the requester, despite any deadlines that a requester attempts to impose.

Notify the requester if the public body intends to charge for the “actual costs” of making the records available. To charge a fee greater than \$25.00, the public body must provide written notice of the estimated amount and receive confirmation that the requester wants the public body to process the request. For particularly expensive requests, consider requiring payment in advance of working on a request.

At this stage, the public body may receive a request for a fee waiver. Review this manual’s discussion of this subject before responding.

Consider whether there is any reason why the public body may not want to disclose the record. If so, consider whether any exemptions apply to the requested records. If any “conditional” exemptions appear to be applicable, remember to consider whether the public interest in disclosure outweighs the interest in nondisclosure. The public body may delay release of records to consult with legal counsel about exemptions or other relevant provisions of the law.

If no exemptions apply to the requested records, coordinate release of the records to the requester in as timely a manner as possible.

If one or more exemptions apply to a requested record, and the public body plans to claim the exemption(s), review each requested record to determine whether the entire record or only specific portions of the record are exempt. If only portions of a record are exempt, delete or obscure the exempt portions and disclose the remaining portions of the record.

When denying a public records request, cite the specific exemption(s) on which the public body relies.