**Oregon**

*Current Law*

192.420(2) If a person makes a written request to inspect a public record or to receive a copy of a public record, the public body receiving the request shall respond as soon as practicable and without unreasonable delay. The public body may request additional information or clarification from the requester for the purpose of expediting the public body’s response to the request. The response of the public body must acknowledge receipt of the request and must include one of the following:

(a) A statement that the public body does not possess, or is not the custodian of, the public record.

(b) Copies of all requested public records for which the public body does not claim an exemption from disclosure under ORS 192.410 to 192.505.

(c) A statement that the public body is the custodian of at least some of the requested public records, an estimate of the time the public body requires before the public records may be inspected or copies of the records will be provided and an estimate of the fees that the requester must pay under subsection (4) of this section as a condition of receiving the public records.

(d) A statement that the public body is the custodian of at least some of the requested public records and that an estimate of the time and fees for disclosure of the public records will be provided by the public body within a reasonable time.

(e) A statement that the public body is uncertain whether the public body possesses the public record and that the public body will search for the record and make an appropriate response as soon as practicable.

(f) A statement that state or federal law prohibits the public body from acknowledging whether the record exists or that acknowledging whether the record exists would result in the loss of federal benefits or other sanction. A statement under this paragraph must include a citation to the state or federal law relied upon by the public body.

192.430(1) The custodian of any public records, including public records maintained in machine readable or electronic form, unless otherwise expressly provided by statute, shall furnish proper and reasonable opportunities for inspection and examination of the records in the office of the custodian and reasonable facilities for making memoranda or abstracts therefrom, during the usual business hours, to all persons having occasion to make examination of them. If the public record is maintained in machine readable or electronic form, the custodian shall furnish proper and reasonable opportunity to assure access.

(2) The custodian of the records may adopt reasonable rules necessary for the protection of the records and to prevent interference with the regular discharge of duties of the custodian.

*Recent Proposals*

2016 HB 4130 (as introduced; amendments made time limits inapplicable to schools during vacation periods and to public bodies without regular full-time employees)

192.440 (2) If a person makes a written request to inspect a public record or to receive a copy of a public record, the public body receiving the request shall respond within five business days of receipt of the request by a person identified by the public body in subsection (8)(a) of this section. The public body may request additional information or clarification from the requester for the purpose of expediting the public body’s response to the request. The response of the public body must be in a standard form, must acknowledge receipt of the request and must include one of the following:

(a) A statement that the public body does not possess, or is not the custodian of, the public record.

(b) Copies of all requested public records for which the public body does not claim an exemption from disclosure under ORS 192.410 to 192.505.

(c) A statement that the public body is the custodian of at least some of the requested public records, an estimate of the time the public body requires before the public records may be inspected or copies of the records will be provided and an estimate of the fees that the requester must pay under subsection [(4)] (5) of this section as a condition of receiving the public records.

(d) A statement that the public body is the custodian of at least some of the requested public records and that an estimate of the time and fees for disclosure of the public records will be provided by the public body within a reasonable time.

(e) A statement that the public body is uncertain whether the public body possesses the public record and that the public body will search for the record and make an appropriate response as soon as practicable.

(f) A statement that state or federal law prohibits the public body from acknowledging whether the record exists or that acknowledging whether the record exists would result in the loss of federal benefits or other sanction. A statement under this paragraph must include a citation to the state or federal law relied upon by the public body

(3) A public body must within 30 days of receipt of the request:

(a) Produce all requested public records within the possession or custody of the public body;

(b) Claim an exemption from disclosure under ORS 192.410 to 192.505 with respect to requested records and explain with specificity the reason the exemption applies to the requested records; or

(c) State that the public body is still gathering the requested records and provide an estimated date when the requested records will be ready for inspection or delivery to the requester, or when the public body will be able to claim an exemption from disclosure of the requested records.

(5)(a) The public body may establish fees reasonably calculated to reimburse the public body for the public body’s actual cost of making public records available, including costs for summarizing, compiling or tailoring the public records, either in organization or media, to meet the person’s request.

(b) The public body may include in a fee established under paragraph (a) of this subsection the cost of time spent by an attorney for the public body in reviewing the public records, redacting material from the public records or segregating the public records into exempt and nonexempt records. The public body may not include in a fee established under paragraph (a) of this subsection the cost of time spent by an attorney for the public body in determining the application of the provisions of ORS 192.410 to 192.505.

(c) Notwithstanding paragraph (a) or (b) of this subsection, a public body with 10 or more full-time equivalent employees may not establish fees under this subsection in which a component of the fee is the time of staff engaged in responding to the request that is calculated at more than $30 per hour.

(5)(c) The public body may not establish a fee greater than $25 under this section unless the public body first provides the requestor with a written notification of the estimated amount of the fee and the requestor confirms that the requestor wants the public body to proceed with making the public record available. Any period of time after the public body has supplied a written estimate to a requester and before the requester confirms the requester’s interest in proceeding with the request is not taken into account in determining the public body’s compliance with deadlines established under subsection (3) of this section.

(10)(a) The time periods established in subsections (2) and (3) of this section:

(A) In the case of a community college district, community college service district or public university in this state, do not apply for periods that students of a school of the respective district or university are not attending class;

(B) In the case of a school district or education service district, do not begin during periods that a majority of students of the district are on break for five or more consecutive days; and

(C) Do not apply to any public body that does not have at least one full-time equivalent employee who reports to work during the week the request is received or during the week following the week the request is received.

(b) A public body that is not subject to the time periods established in subsections (2) and (3) of this section because of the provisions of paragraph (a) of this subsection must still, as soon as is practicable and without unreasonable delay, acknowledge receipt of the request and provide the requester with copies of the requested records, an opportunity to inspect requested records or an explanation for why the requested records will not be made available to the requester.

2015 HB 3505

192.440(3) If the response provided by the public body under paragraph (b) of this subsection does not constitute a complete disposition of the request, the public body shall thereafter

provide a written response each seven-day period thereafter, until a complete disposition of

the request has been made, that:

(a) Explains the activities of the public body, with regard to the request, in the intervening

period since the last written statement the public body gave the requester; and

(b)(A) Provides the requested public records to the requester or affords the requester an

opportunity to inspect all or a portion of the requested public records; or

(B) Sets forth with particularity each exemption from disclosure the public body is

claiming with respect to records that are the subject of the request.

(4) Notwithstanding subsection (3) of this section, if the public body has not provided

copies of all public records sought by a requester, permitted the requester to inspect all

public records sought by the requester or claimed exemption from disclosure with respect

to all records sought by the requester, or some combination of disclosure and exemption with

respect to all records sought by the requester:

(a) Within three weeks after the date the request was made, all fees that the public body would be entitled to charge under subsection (6) of this section and section 4 of this 2015 Act are waived; and

(b) Within six weeks after the date the request was made, the failure of the public body to achieve a complete disposition of the request shall be treated as a denial of the request for purposes of ORS 192.450, 192.460 or 192.480.

2011 SB 41 (as amended)

192.440 (2) If a person makes a written request to inspect a public record or to receive a copy of a public record, the public body receiving the request shall respond as soon as practicable and within 10 business days of receiving the request, by providing:

(a) A response that complies with subsection (8) of this section; or

(b) Notice that the public body is extending the deadline for providing a response under paragraph (a) of this subsection, followed by a response that complies with subsection (8) of this section within the additional time period stated in the notice. Notice under this paragraph must specifically state the basis for the extension, which cannot exceed the following:

(A) If the request seeks records that must be physically retrieved from off-site archives, the number of business days required to retrieve the records; and

(B)(i) If the public body estimates that the request will take less than five hours of staff time to gather and review the records, a period not to exceed 5 business days;

(ii) If the public body estimates that the request will take at least five hours but not as many as 10 hours of staff time to gather and review the records, a period not to exceed 15 business days;

(iii) If the public body estimates that the request will take at least 10 hours but not as many as 20 hours of staff time to gather and review the records, a period not to exceed 25 business days; or

(iv) If the public body estimates that the request will take at least 20 hours of staff time to gather and review the records, a period not to exceed 30 business days.

(3)(a) A public body described in paragraph (b) of this subsection may elect to double the amount of time allowed under subsection (2)(b) of this section to respond to a request.

(b) This subsection applies to the following public bodies that are not state agencies:

(A) A school district, education service district or community college district with a total enrollment for the year in which the request is made of 6,000 or fewer students; or

(B) Any other public body with the equivalent of 100 or fewer budgeted full-time equivalent employees.

(c) A public body may not disaggregate its functions in order to meet the requirements of paragraph (b) of this subsection.

(d) A public body making the election described in this subsection shall note the election and the basis on which the public body qualifies for the election in the acknowledgement required under subsection (7) of this section.

(4) If the public body is a school district, education service district or community college district and fewer than half of the administrative staff are at work, as measured by full-time equivalence, on the day that the public body receives the request, the public body may elect to double the timeline otherwise applicable under subsection (2) of this section. The public body shall note the election and the basis on which the public body qualifies for the election in the acknowledgement required under subsection (7) of this section.

(5) The public body may request additional information or clarification from the requester for the purpose of expediting the public body’s response to the request. The timelines described in subsections (2) to (4) of this section are suspended for any period in which the public body is waiting for additional information or clarification from the requester.

(6)(a) If a public body determines that the public body is unable to comply with the applicable timelines under subsections (2) to (4) of this section, the public body may seek authorization for additional time to provide a response to the request. If the public body:

(A) Is a state agency, the state agency shall ask the Attorney General to authorize additional time to provide a response. The Attorney General may not deny a request under this subsection unless the Attorney General determines that the request is unreasonable. The Attorney General shall notify the state agency and the requester in writing, within five business days of receipt of the request from the state agency, of whether the request for additional time is authorized. The timelines described in subsection (2) of this section are suspended for any period in which the state agency is waiting for a response from the Attorney General regarding a request for additional time under this subsection. The Attorney General may not charge a state agency for services provided in determining whether to authorize additional time to respond to a request.

(B) Is a public body other than a state agency, the public body shall ask the district attorney described in ORS 192.460 to authorize additional time to provide a response. The district attorney may not deny a request under this subsection unless the district attorney determines that the request is unreasonable. The district attorney shall notify the public body and the requester in writing, within five business days of receipt of the request from the public body, of whether the request for additional time is authorized. The timelines described in subsections (2) to (4) of this section are suspended for any period in which the public body is waiting for a response from the district attorney regarding a request for additional time under this subsection. The district attorney may not charge a public body for services provided in determining whether to authorize additional time to respond to a request.

**Other Laws**

*Alaska*

2 AAC 96.325. Response to request; time limits

(a) Except as otherwise provided in this section, as soon as practicable, but not later than the 10th working day after the date the agency receives a request for public records that complies with this chapter, the public agency shall

(1) furnish all requested records that are disclosable; and

(2) advise the requestor which of the requested records are nondisclosable, if any, and the specific legal authority and specific facts supporting nondisclosure.

(b) If the public agency decides that a public record is, in fact, a request for electronic services and products, the public agency shall advise the requestor of its decision within 10 working days after receipt of a request and the reasons for this decision.

(c) Any time that elapses between the time a requestor is sent notice that processing the request will generate chargeable fees and the time the requestor makes suitable arrangement for payment of those fees under 2 AAC 96.355 and 2 AAC 96.360 is excluded from the 10-working-day period of (a) of this section, or any extension of that period.

(d) A public agency may extend the basic 10-working-day period established under (a) of this section for a period not to exceed 10 additional working days by providing notice to the requestor within the basic 10-working-day period. The notice must state the reasons for the extension and the date by which the office expects to be able to furnish the requested records or to issue a determination that the records are not disclosable. The notice must include a statement that the extension is not invoked for purposes of delay. The basic 10-day period may be extended only when one or more of the following circumstances exist, and then only as to those specific documents within the request as to which the circumstances apply:

(1) there is a need to search for and collect the requested records from field or other offices that are separate from the office responsible for maintaining the records;

(2) there is a need to search for, collect, and examine a voluminous amount of separate and distinct records sought in a single request;

(3) there is a need for consultation with an officer or employee who is absent on approved leave or official business;

(4) the basic response period comes during a peak workload period; or

(5) there is a need to consult with legal counsel to ensure that protected interests of private or government persons or entities are not infringed.

(e) If a search or copying task will, within the 10-day period and any authorized extension under (d) of this section, substantially impair the other functions of the public agency or an office responsible for maintaining the requested records, the agency head may request an additional extension from the attorney general. Upon receipt of a request for an additional extension, the attorney general shall promptly give the requestor and the agency an opportunity to be heard. The attorney general shall tender a speedy decision. The attorney general may grant an extension only to the public agency in extraordinary circumstances and only for the minimum period determined by the attorney general to be required to complete the search or copying of the public records without substantial impairment of the other public agency functions.

(f) A public agency shall give a written response granting or denying a written request for public records within the prescribed time limit. If a response is not received by a requestor by the expiration of the time limit, the requestor may consider the request denied.

(g) The time limits set out in this section do not apply if the requestor agrees in writing that the requested records need not be supplied until a specified date. If the requestor does not agree in writing to an extension of time beyond that date, an extension beyond the specified date is governed by (d) and (e) of this section.

AS 40.25.110 (a) Unless specifically provided otherwise, the public records of all public agencies are open to inspection by the public under reasonable rules during regular office hours. The public officer having the custody of public records shall give on request and payment of the fee established under this section or AS 40.25.115 a certified copy of the public record.

*Arkansas*

**25-19-105.** (a)(1)(A) Except as otherwise specifically provided by this section or by laws specifically enacted to provide otherwise, all public records shall be open to inspection and copying by any citizen of the State of Arkansas during the regular business hours of the custodian of the records. (d) (1) Reasonable access to public records and reasonable comforts and facilities for the full exercise of the right to inspect and copy those records shall not be denied to any citizen.

(2) (A) Upon request and payment of a fee as provided in subdivision (d)(3) of this section, the custodian shall furnish copies of public records if the custodian has the necessary duplicating equipment.

(B) A citizen may request a copy of a public record in any medium in which the record is readily available or in any format to which it is readily convertible with the custodian’s existing software.

(C) A custodian is not required to compile information or create a record in response to a request made under this section.

*Hawaii*

(From FAQ by Hawaii Office of Information Practices website, <http://oip.hawaii.gov/laws-rules-opinions/rules/quick-guide-to-oips-administrative-rules/>)

**What are the time limits for an agency’s response to the record request?**

* Public Records: The agency has 10 business days to disclose public government records that will be disclosed in their entirety.
* Partially Public Records: For those records, parts of which will be segregated, the agency has 10 business days to provide notice. The agency then must disclose public parts of the record within 5 business days of providing notice.
* Extenuating Circumstances: When an agency’s response time is affected by extenuating circumstances, the agency must first provide written acknowledgment within 10 business days. Thereafter, the agency must provide a notice within 20 business days after receiving the request, and then disclose public parts of the record within 5 business days of providing notice. If prepayment is required or incremental disclosures are necessary, other time limitations may apply.

*Kentucky*

61.872 (1) All public records shall be open for inspection by any person, except as otherwise provided by KRS 61.870 to 61.884, and suitable facilities shall be made available by each public agency for the exercise of this right. No person shall remove original copies of public records from the offices of any public agency without the written permission of the official custodian of the record.

(2) Any person shall have the right to inspect public records. The official custodian may require written application, signed by the applicant and with his name printed legibly on the application, describing the records to be inspected. The application shall be hand delivered, mailed, or sent via facsimile to the public agency.

(3) A person may inspect the public records:

(a) During the regular office hours of the public agency; or

(b) By receiving copies of the public records from the public agency through the mail. The public agency shall mail copies of the public records to a person whose residence or principal place of business is outside the county in which the public records are located after he precisely describes the public records which are readily available within the public agency. If the person requesting the public records requests that copies of the records be mailed, the official custodian shall mail the copies upon receipt of all fees and the cost of mailing.

(4) If the person to whom the application is directed does not have custody or control of the public record requested, that person shall notify the applicant and shall furnish the name and location of the official custodian of the agency's public records.

(5) If the public record is in active use, in storage or not otherwise available, the official custodian shall immediately notify the applicant and shall designate a place, time, and date for inspection of the public records, not to exceed three (3) days from receipt of the application, unless a detailed explanation of the cause is given for further delay and the place, time, and earliest date on which the public record will be available for inspection.

(6) If the application places an unreasonable burden in producing public records or if the custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the public agency, the official custodian may refuse to permit inspection of the public records or mail copies thereof. However, refusal under this section shall be sustained by clear and convincing evidence.

*Pennsylvania*

Act of Feb. 14, 2008, P.L. 6, No. 3

Section 901Upon receipt of a written request for access to a record, an agency shall make a good faith effort to determine if the record requested is a public record, legislative record or financial record and whether the agency has possession, custody or control of the identified record, and to respond as promptly as possible under the circumstances existing at the time of the request. All applicable fees shall be paid in order to receive access to the record requested. The time for response shall not exceed five business days from the date the written request is received by the open-records officer for an agency. If the agency fails to send the response within five business days of receipt of the written request for access, the written request for access shall be deemed denied.

Section 902(a) Determination. — Upon receipt of a written request for access, the open-records officer for an agency shall determine if one of the following applies:

(1) the request for access requires redaction of a record in accordance with section 706;

(2) the request for access requires the retrieval of a record stored in a remote location;

(3) a timely response to the request for access cannot be accomplished due to bona fide and specified staffing limitations;

(4) a legal review is necessary to determine whether the record is a record subject to access under this act;

(5) the requester has not complied with the agency’s policies regarding access to records;

(6) the requester refuses to pay applicable fees authorized by this act; or

(7) the extent or nature of the request precludes a response within the required time period.

(b) Notice. —

(1) Upon a determination that one of the factors listed in subsection (a) applies, the open-records officer shall send written notice to the requester within five business days of receipt of the request for access under subsection (a).

(2) The notice shall include a statement notifying the requester that the request for access is being reviewed, the reason for the review, a reasonable date that a response is expected to be provided and an estimate of applicable fees owed when the record becomes available. If the date that a response is expected to be provided is in excess of 30 days, following the five business days allowed for in section 901, the request for access shall be deemed denied unless the requester has agreed in writing to an extension to the date specified in the notice.

(3) If the requester agrees to the extension, the request shall be deemed denied on the day following the date specified in the notice if the agency has not provided a response by that date.

*Vermont*

1 VSA § 316 (a) Any person may inspect or copy any public record of a public agency, as follows:

(1) For any agency, board, department, commission, committee, branch, instrumentality, or authority of the state, a person may inspect a public record on any day other than a Saturday, Sunday, or a legal holiday, between the hours of nine o'clock and 12 o'clock in the forenoon and between one o'clock and four o'clock in the afternoon;

(2) For any agency, board, committee, department, instrumentality, commission, or authority of a political subdivision of the state, a person may inspect a public record during customary business hours.

1 VSA § 318 (a) Upon request, the custodian of a public record shall promptly produce the record for inspection, except that:

(1) if the record is in active use or in storage and therefore not available for use at the time the person asks to examine it, the custodian shall so certify this fact in writing to the applicant and set a date and hour within one calendar week of the request when the record will be available for examination;

(2) if the custodian considers the record to be exempt from inspection under the provisions of this subchapter, the custodian shall so certify in writing. Such certification shall identify the records withheld and the basis for the denial. A record shall be produced for inspection or a certification shall be made that a record is exempt within three business days of receipt of the request, unless otherwise provided in subdivision (5) of this subsection. The certification shall include the asserted statutory basis for denial and a brief statement of the reasons and supporting facts for denial. The custodian shall also notify the person of his or her right to appeal to the head of the agency any adverse determination;

(3) if appealed to the head of the agency, the head of the agency shall make a determination with respect to any appeal within five business days after the receipt of such appeal. If an appeal of the denial of the request for records is in whole or in part upheld, the agency shall notify the person making such request of the provisions for judicial review of that determination under section 319 of this title;

(4) if a record does not exist, the custodian shall certify in writing that the record does not exist under the name given to the custodian by the applicant or by any other name known to the custodian;

(5) in unusual circumstances as herein specified the time limits prescribed in this subsection may be extended by written notice to the person making such request setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than ten business days from receipt of the request. As used in this subdivision, "unusual circumstances" means to the extent reasonably necessary to the proper processing of the particular request:

(A) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(B) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(C) the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein, or with the attorney general.