

Attorney General's Public Records Law Reform Task Force
Preliminary Timeframe Proposal
6/29/2016

192.440 (2) If a person makes a written request to inspect or receive a copy of a public record in a manner consistent with a public body's procedure described in paragraph (7)(a) of this section, the public body receiving the request shall acknowledge receipt of the request as soon as practicable. The acknowledgment shall inform the requester whether the public body is or is not the custodian of the requested record, or is uncertain whether it is the custodian of the requested record.

[DELETE SPECIFIC REQUIREMENTS]

NEW SECTION

(1) A public body must complete its response to any written request submitted in a manner consistent with the public body's procedure described in ORS 192.440(7)(a) as soon as practicable and without unreasonable delay.

(2) For purposes of this section, a public body's response to a public records request is complete when the public body:

(a) Provides access to or copies of all requested public records within the possession or custody of the public body that the public body does not assert are exempt from public disclosure, or explains where they are already publicly available;

(b) Asserts any exemptions from disclosure under ORS 192.501 or 192.502 that the public body believes apply to any requested records or information, and, if the public body cites ORS 192.502(8) or (9), identifies the state or federal law that the public body relies on;

(c) Provides redacted copies of any records containing both exempt and nonexempt information as required by ORS 192.505;

(d) To the extent that the public body does not have records responsive to a request, provides a written statement to that effect;

(e) To the extent that state or federal law prohibits the public body from acknowledging whether any requested record exists, or that acknowledging whether a requested record exists would result in the loss of federal benefits or other sanction, provides a written statement to that effect, citing the state or federal law relied upon by the public body; and

(f) If the public body is asserting any exemption from disclosure, advises the requester of the appropriate procedure under this chapter for the review of that assertion.

(3) A public body must, within 10 business days of receiving a written request in a manner consistent with its procedure described in ORS 192.440(7)(a):

(a) Complete its response to the request for public records; or

(b) Provide a written statement that the public body is still gathering the requested records, along with a reasonable estimated date when the public body expects to complete its response.

(4)(a) The time periods established in ORS 192.440(2) and subsection (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.

(5) If a public body has informed a requester of the fee permitted under ORS 192.440(4), a public body's obligation to further complete its response to the request is suspended until the requester has paid the fee, the fee has been waived by the public body pursuant to ORS 192.440(5), or the fee has been ordered waived.

(6) Prior to completing its response, a public body may request additional information or clarification from the requester for the purpose of expediting the public body's response to the request. If a public body has requested such information or clarification in good faith, a public body's obligation to further complete its response to the request is suspended until the requester provides the requested information or clarification or declined to do so.