



Josephine County, Oregon

Community Development

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Community Development Only

PUBLIC RECORDS REQUEST

NAME: _____ DATE: _____

ADDRESS: _____ TEL: _____

SITE ADDRESS & RECORDS REQUESTED: _____

(Attach Written Statement If Needed)

SIGNATURE: _____

Pursuant to the Oregon Public Records Law (ORS 192.440) the County is authorized to charge a fee reasonably calculated to reimburse the actual cost of making records available, including costs for summarizing, compiling or tailoring the public records, either in organization or media, to meet the request.

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LEGAL: _____ STAFF: _____ BOX#: _____

Copying charges:

- Simple Requests: \$0.25/page (4 page increments; minimum \$1.00) \$ _____
- Complex Requests: \$0.25/page plus Personnel Costs \$ _____
- CD/DVD available plus Personnel Costs \$ _____
- \$5.00 colored Maps (aerials, flood maps, etc.) \$ _____

TOTAL: \$ _____

Our office will contact you when the copies are ready for pick up

PUBLIC RECORDS LAW

Copying or Inspection of Public Records

192.440 Copies or inspection of public records; written response by public body; fees; waiver or reduction; procedure for records requests. (1) The custodian of any public record that a person has a right to inspect shall give the person, upon request:

- (a) A copy of the public record if the public record is of a nature permitting copying; or
- (b) A reasonable opportunity to inspect or copy the public record.

(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.

(3) If the public record is maintained in a machine readable or electronic form, the custodian shall provide a copy of the public record in the form requested, if available. If the public record is not available in the form requested, the custodian shall make the public record available in the form in which the custodian maintains the public record.

(4) (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) 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.

(d) Notwithstanding paragraphs (a) to (c) of this subsection, when the public records are those filed with the Secretary of State under ORS chapter 79 or ORS 80.100 to 80.130, the fees for furnishing copies, summaries or compilations of the public records are those established by the Secretary of State by rule, under ORS chapter 79 or ORS 80.100 to 80.130.

(5) The custodian of any public record may furnish copies without charge or at a substantially reduced fee if the custodian determines that the waiver or reduction of fees is in the public interest because making the record available primarily benefits the general public.

(6) A person who believes that there has been an unreasonable denial of a fee waiver or fee reduction may petition the Attorney General or the district attorney in the same manner as a person petitions when inspection of a public record is denied under ORS 192.410 to 192.505. The Attorney General, the district attorney and the court have the same authority in instances when a fee waiver or reduction is denied as it has when inspection of a public record is denied.

(7) A public body shall make available to the public a written procedure for making public record requests that includes:

(a) The name of one or more persons to whom public record requests may be sent, with addresses; and

(b) The amounts of and the manner of calculating fees that the public body charges for responding to requests for public records.

(8) This section does not apply to signatures of individuals submitted under ORS chapter 247 for purposes of registering to vote as provided in ORS 247.973. [1973 c.794 §5; 1979 c.548 §4; 1989 c.111 §12; 1989 c.377 §2; 1989 c.546 §2; 1999 c.824 §5; 2001 c.445 §168; 2005 c.272 §1; 2007 c.467 §1]

LIST OF COMMON EXEMPTIONS

1. PERSONAL SAFETY

6. PERSONAL INFORMATION OF PUBLIC EMPLOYEE

2. RECORDS PERTAINING TO LITIGATION

7. CONFIDENTIAL SUBMISSIONS

3. PERSONNEL DISCIPLINE ACTIONS

8. ECONOMIC DEVELOPMENT INFORMATION

4. INTERNAL ADVISORY COMMUNICATIONS

5. PERSONAL PRIVACY