Overview

Per Oregon Revised Statute 192.440:

“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.”

Applicability

All Columbia Gorge Community College employees are responsible for informing requesting individuals of this policy. Any requesting “public body” or “person” is responsible for obtaining and submitting appropriate paperwork. The Chief Talent and Operations Officer is responsible for processing the submitted paperwork.

Administrative Rule Statement

Pursuant to Columbia Gorge Community College (CGCC) Board Policy and Oregon Revised Statutes, every “public body” or “person” has a right to inspect any public record that is not exempt from disclosure. Generally, exempt records include student information, personnel information, and other information the disclosure of which is prohibited by federal law or regulations, and the disclosure of which is prohibited or restricted or otherwise made confidential or privileged under Oregon law. (See Oregon Revised Statute, Chapter 192.501 and 192.502, Records; Public Reports and Meetings for listing of public records that are exempt from disclosure.)

In addition, these guidelines establish reasonable fees calculated to reimburse the college for its actual cost in making such records available including costs for summarizing,
compiling or tailoring such records, in either organization or media, to meet the person’s or the public body’s request.

Any party requesting a fee reduction or waiver shall fully cooperate with the college in identifying the reason(s) for the request. In order to determine whether or not the requested public records are exempt from disclosure, qualify for fee reduction or waiver, or if the documents meet the “public interest test,” requesting party/parties must fully disclose their intended purpose of the request.

Each request must reasonably describe the records being sought. This means that a request must be specific enough to permit CGCC to locate the record in a reasonable period of time.

There are two types of public records requests:

**Informal Requests**

The first type of public records request is one that is verbally submitted by the requesting party for records that are incidental, readily accessible or reproducible at negligible cost, and are typically available for general public distribution, such as Board minutes, agendas, etc.

**Formal Requests**

All other public records requests must be submitted in writing and will be granted or denied in accordance with Oregon Public Records Law. In order to determine whether or not the requested public records are exempt from disclosure, qualify for fee reduction or waiver, or if the documents meet the “public interest test,” requesting party/parties must fully disclose their intended purpose of the request. Each request must reasonably describe the records being sought. This means that a request must be specific enough to permit a college staff person who is familiar with the subject matter to locate the record in a reasonable period of time.

**Fee**

Pursuant to ORS 192.440, the College shall provide the requesting party with an estimate, in writing, if the public records request is expected to exceed $25.00. After receiving the
estimate, requesting party shall notify the College whether it wants the College to proceed with making the public records available.

The College has established a fee schedule based on reasonable costs. These costs shall include, but are not limited to: actual personnel costs; reproduction costs; delivery expenses; and attorney’s fees, if any, for reviewing, redacting or segregating the public records into exempt and nonexempt records.

Requesting party shall be charged at the rate(s) established below:

- If the public records request requires a nominal amount of staff time (less than 30 minutes, which includes searching, locating, retrieving, copying, transporting, conveying, etc.), copies shall be made at no charge, unless the number of copies requested exceeds 10 pages.

- Records that require only a nominal time of staff time (less than 30 minutes), but the number of copies exceeds 10 pages, shall be charged for the actual cost of staff time, including fringe benefits, plus copying/delivering charges and attorney's fees, if any, for reviewing, redacting or segregating the public records into exempt and nonexempt records. Copying charges shall be at the rate of $0.25 (twenty five cents) per page.

- Records that require more than a nominal amount of staff time (30 minutes or more), will be provided to the requesting party for the actual cost of staff time, including fringe benefits, plus copying/delivery charges. Copying charges shall be at the rate of $0.25 (twenty five cents) per page. Personnel costs shall be computed on the basis of quarter hours, rounded up, for time expended by College staff and/or the College's attorney(s). Attorney fees, if any, shall be limited to the cost of time spent by attorney(s) for the College in reviewing the public records, redacting material from the public records or segregating the public records into exempt and nonexempt records.

The fee may be waived or reduced if the furnishing of the copies is determined by the College to be in the public’s best interest as set forth in ORS 192.440(4). Any party requesting a fee reduction or waiver shall fully cooperate with the college in identifying the reason(s) for the request.

The College may charge for search time even if the Custodian of the record fails to locate any records in response to the request, or even if the records located are subsequently
determined to be exempt from disclosure. When the amount of staff time used exceeds the
amount of the $25.00 deposit, the requesting party's deposit shall be forfeited.

The College requires that the requesting party make payment to the College for the
balance of the reasonable costs over and above the $25 deposit, prior to the release of the
public records. (e.g., public records will be made available to the requesting party only
upon payment in full to the College, and prior to release/disclosure of the records.).

Time Frame

In most cases, the college will be able to respond to the request for public records within
20 working days. While the college shall make every attempt to respond to the request
within this time frame, requests shall not affect the operations of the college nor interfere
with the regular discharge of the custodian’s duties.

Definitions

1. **Custodian:** Public employee or employees who have responsibility to create,
maintain, care for or control of public records.

2. **Person:** Any person, corporation, partnership, firm or association.

3. **Public body:** Every state officer, agency, department, division, bureau, board and
commission; every county and city governing body, school district, college district,
special district, municipal corporation, and any board, department, commission,
council, or agency thereof; and any other public agency of the State of Oregon.

4. **Public record:** Any writing containing information relating to the conduct of the
public's business that is prepared, owned, used, or retained by a public body
regardless of physical form or characteristics, including, but not limited to,
handwriting, typewriting, printing, photographing, and every means of recording,
including letters, emails, words, pictures, sounds, or symbols, or combination
thereof, and all papers, maps, files, facsimiles, or electronic recordings.

Interpretation of Administrative Rule

Chief Talent and Operations Officer
Cross Reference to Related Administrative Rules

Not applicable.

Further Information

Robb Van Cleave, Chief Talent and Operations Officer
rvanclave@cgcc.cc.or.us
541-506-6150

Strategic Direction

Core Theme A.4, Standard 2.B.01, KFA 3: Faculty and Staff

Appendix

1. CGCC Board Policy KBA – Public Records
2. CGCC Board Policy KBA-AP – Public Records
3. CGCC Operating Procedure 070.004.001 – Public Records Requests
4. Public Records Request Form
5. Public Records Request Response Letter Template