

PUBLIC RECORDS POLICY

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Under Oregon’s Public Records Law (ORS 192) the public has the right to inspect and copy certain public records upon request unless the information is specifically exempt from such disclosure. Find more information about Oregon Public Records and Meetings Law, including the Public Records and Meetings Manual, online through the Oregon Department of Justice:

<https://www.doj.state.or.us/oregon-department-of-justice/public-records/public-records-and-meetings-law/>.

The purpose of this policy and the accompanying procedure is to establish an orderly and consistent procedure for responding to public records requests, to establish a fee schedule for costs associated with fulfilling such requests, and avenues for appeal should access be denied.

General Guidelines

- The North Douglas Library District (“District”) shall fully comply with the Oregon Public Records Law (ORS 192).
- In order to facilitate the public’s access to records in the District’s possession and to avoid unnecessary expenditure of staff time, persons requesting public records from the District shall use a form prescribed by the District.
- The District shall permit inspection of its non-exempt public records during regular service hours in the District’s office at 205 West A Ave, Drain, OR 97435. Copies of non-exempt public records maintained in electronic format shall be furnished, if available, in the form requested. If not available in the form requested, such records shall be made available in the form in which they are maintained (ORS 192).
- Requestors may be charged the actual cost of making the record available, including staff time spent in locating the record, deleting exempt materials (as detailed under Oregon’s Public Records Law), supervising the public inspection of original documents, and/or copying costs.

Public Record Exemptions

- While Oregon’s Public Records Law is “primarily a disclosure law, not a confidentiality law (Public Records and Meetings Manual)” some records are exempt from disclosure. The full searchable list of public records exemptions is maintained by the Oregon Attorney General and can be accessed here: <https://justice.oregon.gov/PublicRecordsExemptions/>.

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- The following information covered by Oregon Revised Statute 192.355(23) is exempt from public records disclosure:
 - The records of a library, including:
 - (a) Circulation records, showing use of specific library material by a named person;
 - (b) The name of a library patron together with the address or telephone number of the patron; and
 - (c) The electronic mail address of a patron.

Public Records Custodian

The North Douglas Library District's Public Records Custodian and coordinator is the Library Director. Tasks associated with requests for public records may be assigned to other District staff members as deemed appropriate by the Custodian.

Public Records Request Process

The following procedure will be followed in implementing this policy:

- A person or organization, as defined by the Public Records and Meetings Manual, may request to inspect or receive copies of a public record or information from public records by filling out the District's Public Records Request Form and submitting it to the District's Public Records Custodian by mail, email, or in person (directions available on the Public Records Request Form).
- Requests must identify as specifically as possible:
 - The name, contact information, and signature of the person making the request or their authorized representative;
 - Detailed description(s) of the type of record(s), subject matter, approximate date(s), names of persons involved, the number of copies requested, and any pertinent information that may assist District personnel in locating the requested record(s);
 - All requests must include the name, address, and at least one contact method of the person requesting the public record(s).
 - Requesters are not required, but are encouraged, to indicate the format in which any copies are desired and the date, if any, by which the records are needed.
 - Please remember that information included in a public records request does become a public record. Do not include sensitive information in your request.
- Unclear or incomplete requests will be asked to provide clarification and/or additional details to meet the requirements listed above and will follow the guidelines described in "Completion of a Public Records Request."
- The District will respond within 5 library business days to written records requests acknowledging the receipt of the request. An additional 10 library business days will then be allowed for District personnel to fulfill the request or issue a written response with the estimated cost of meeting the request and an estimation of how long fulfillment will take after payment is received, if applicable. The District is not subject to this response timeframe if it is awaiting a

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response from the requester seeking clarification of the inquiry or if the requester has not agreed to pay for the records, provided that the cost is \$60 or more. Other considerations that can apply are:

- Complicated requests,
 - Large volume of requests,
 - Requests involving documents not readily available,
 - Consulting with legal counsel regarding public record requests,
 - If the necessary staff are unavailable to fulfill the request.
- Activities to be reimbursed on an at-cost basis include but are not limited to: locating, compiling, summarizing, printing, copying and distributing the information, and taking any other steps reasonably required to make the information available. The requestor must provide payment prior to preparation of District personnel of the requested information. Once payment has been received, the District will begin preparing the requested information. The timeline for provision of the information will begin upon receipt of payment.
 - Original materials may be inspected on-site only, by appointment only, and may not be removed from the library premise.
 - The District reserves the right to provide information in a different format than requested (for example, in print instead of electronically) if the burden of meeting the requested format is impractical. The District also reserves the right to provide the information after the desired date if the burden of meeting the requested date is impractical.

Authorization Required for Removal of Original Records

At no time shall an original record of the District be removed from the District's files or the place at which the record is regularly maintained, except upon authorization of the Library Director or consensus of the Board.

On-Site Review of Original Records

If a request to review original records is made, the District shall permit a review provided that search fees are paid in advance. A representative of the District shall be present at any time original records are reviewed, and the charges for this representative's presence shall be the same as the charges for searching or reviewing records.

Unauthorized Alteration, Removal, or Destruction of Originals

If any person attempts to alter, remove, or destroy any District record, the District representative shall immediately terminate such person's review and notify the District's attorney.

Fees for Public Records

Fees charged for public records requests will be reasonably calculated to reimburse the North Douglas Library District for its actual costs in making requested records available and may include:

- Charges for the time spent by District staff to locate the requested public records, to review the records in order to determine whether any requested records are exempt from disclosure, to

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segregate exempt records, to supervise the requestor's inspection of original documents, to copy records, and to send records by special or overnight methods such as express mail or overnight delivery;

- A per-sheet charge for photocopies of requested records;
- If a request is of such magnitude and nature that compliance would disrupt the District's normal operation, the District may impose such additional charges as are necessary to reimburse the District for its actual costs of producing the records.

If a request for records requires District personnel to spend more than 2 hours searching, reviewing, or redacting non-exempt records prior to their review or release from copying, fees will be charged as outlined in the following schedule. The District's mission is to provide access to information and our goal is to foster transparency.

The District shall estimate the total amount of time required to respond to the records request, and the person making the request shall make payment for the estimated cost of the search and copying of records in advance. If the actual time and costs are less than estimated, the excess money shall be refunded to the person requesting the records. If the actual costs and time are in excess of the estimated time, the difference shall be paid by the person requesting the records at the time the records are produced. Estimates of costs are provided free of charge.

The North Douglas Library District's public records fee schedule is as follows. Fees for items not listed are determined on a case-by-case basis.

Photo Copies	B&W (default)	\$0.15 per sheet
	Color	\$0.50 per sheet
	Maps & other non-standard documents	Actual cost to District
Labor Charges	Library Director	\$40.00 per hour
	Senior District Staff	\$30.00 per hour
	Legal Counsel or other outside assistance	Actual rate charged to District
*Labor charges will be charged in 15 minute increments.		

A waiver or fee reduction may be granted to a requestor if it is determined that the waiver or reduction is in the public interest because making the record available primarily benefits the general public. In making this determination, the Library Director or consensus of the Board will consider (1) the character

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of the public interest in the particular disclosure, (2) the extent to which the fee impedes that public interest, and (3) the extent to which a waiver or reduction would burden the District.

Completion of a Public Records Request

A public records request will be regarded as complete when the District has:

- Provided access to, or copies of, all non-exempt requested records,
- Asserted any exemptions to disclosure,
- Complied with ORS 192 and separated exempt from non-exempt material and made non-exempt material available,
- Provided written statement that the public body is not the custodian of record,
- Provided a statement that federal or state law prohibits the public body from acknowledging whether any requested record exists, AND/OR
- Told the requester appeals rights if exemptions were asserted.

The District will close any acknowledged request after 60 days if the requester fails to pay fees due or fails to respond to a request for clarification or additional information.

Denial of a Public Records Request

If a public records request is denied in full or in part, the Library Director shall provide the requestor a written denial, explaining the basis for the denial, with reference to the applicable law for the denial. All denial letters shall include notice that the requestor may appeal the denial to the Douglas County District Attorney.