



Metro
Requesting Public Records
Frequently Asked Questions For the Public

Q: *What is a public record?*

A: According to ORS 192.410(4) and the policy statement in ORS 192.420, a public record includes:

Any writing that contains information relating to the conduct of the public's business...used or retained by a public body regardless of physical form or characteristics.

It is important to note that the Public Records Law does not require Metro to create a public record where none exists. This is especially true when it comes to data found in computer systems.

Q: *Why do I need to fill out the Public Records Request form?*

A: Using Metro's standard form will provide guidance to ensure Metro staff receives a clear written request and your correct contact information.

Q: *How much will a public records request cost?*

A: The cost of your request is dependent upon several factors: the types of records you are requesting, the complexity of your request, and the amount of research/staff time required to assemble the information. Costs could range anywhere from no charge for single page document or common publication to thousands of dollars for an extensive network email search. Please see Metro's *Fee Worksheet for Public Records Requests* for a list of common charges. If fees are expected to exceed \$25.00, you will be given a cost estimate soon after you make your request (via Metro's *Public Records Request Response* form).

Q: *Why do I have to pay a fee?*

A: The Public Records Law expressly authorizes public agencies like Metro to establish reasonable fees to be reimbursed for the actual costs of making the records available. Actual costs include paper or other media and mailing expenses, as well as time spent locating, reviewing, copying, and supervising a person's inspection of original records in order to protect them. Actual costs also may include time spent by an attorney to review, redact or segregate records for possible exemptions.

Q: *One of the choices is to "inspect the records." What does this mean?*

A: All citizens have the right to inspect public records and it is not always necessary to make copies. Metro is committed to sustainable practices and tries to make copies only when necessary. By inspecting records in advance, and refining your request, you may reduce the need to produce photocopies.

Q: *The form says that Metro will respond to my request "as soon as practicable." What does this mean? What if I want the records today?*

A: In some cases, Metro staff may be able to accommodate your request the same day. However, some requests are more complicated and require research and additional staff time, or may take time to gather and copy. Metro staff may need time to review your request to determine what is needed to get you the information you seek. If this is the case, staff will assess your request and provide you a time and cost estimate (via Metro's *Public Records Request Response* form). You can assist this process by being as specific as possible when you make your request.

Q: *What happens if you can't find all of the records I want? Do I still need to pay?*

A: Depending on the complexity of your request and the time spent by Metro staff searching for your records, Metro may choose to charge you for the time spent searching. You can assist this process by being as specific as possible when you make your request.

Q: *What happens if I direct my request to the wrong program?*

A: Metro staff will ensure that your request is directed to the proper program for processing. You will be contacted by staff if any clarification is required.

Q: *I was told that the records I wanted were not available or that some of the information is exempt. What does that mean and what happens next?*

A: As per state law, the records you requested may have been destroyed (based upon retention requirements) or may be exempt from public disclosure. Or they may not be in Metro's possession. If the records have been destroyed, or if they are not held by Metro, you will be notified as soon as practicable. If the records you have requested are determined to be exempt from disclosure (as per public records law), your request will be forwarded to the Office of Metro Attorney for further consideration and you will be contacted with the final determination within a reasonable amount of time.

Q: *I have an ongoing interest in a particular set of records. May I submit one request and be notified whenever there is an update or new records are available?*

A: No. A new request must be made each time.

If you would like additional information about public records, the Attorney General's *Public Records and Meetings Manual* is available in public libraries or may be ordered from the Attorney General's Office.

An additional resource is *A Quick Reference Guide to Oregon's Public Records Law*, which can be found on Open Oregon's website: <http://www.open-oregon.com/>