



Requesting Public Records Frequently Asked Questions for the Public

Q: *What is a public record?*

A: According to ORS 192.005 (5) "Public Record" (a) Means any information that:

- a) is prepared, owned, used or retained by a state agency or political subdivision;
- b) Relates to an activity, transaction or function of a state agency or political subdivision;
and
- c) is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the state agency or political subdivision.

It is important to note that public records law does not require Metro to create a public record where none exists. This becomes especially relevant when it comes to requests for records that exist only in databases.

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

A: Using Metro's standard form ensures that Metro staff receives a clearly-stated request and your correct contact information – and it contains information about fees and rules about how government agencies assess charges.

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

A: Costs can vary widely. The cost for fulfilling a request is dependent upon several factors: the types of records being requested, the complexity of the request, and the amount of research/staff time required to assemble the information, and potential costs associated with legal review. Please see Metro's *Fee Worksheet for Public Records Requests* for a complete list of charges. If fees are expected to exceed \$25.00, you will be given a cost estimate, which you must approve for us to proceed.

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 staff time spent locating, reviewing, copying, and supervising a person's inspection of original records. Actual costs also may include time spent by an attorney to review, redact or segregate records for possible exemptions.

Q: *Can I request a fee waiver or reduction?*

A: Yes. Fill out and submit Metro's *Fee Waiver/Reduction Request* form. Explain why you are asking for a waiver or reduction. Metro may or may not grant it.

Q: *The Public Records Request form offers the requester the option of “inspecting the records.” What does this mean?*

A: All citizens have the right to inspect public records on our premises and Metro will accommodate such requests. Inspecting records may enable the requester to refine their request, reducing any reproduction costs.

Q: *How quickly will Metro respond to a public records request?*

A: Public records law requires an acknowledgement of the request within 5 business days of receiving it, indicating its status. The request must then be completed within 10 business days of the acknowledgment.

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: Records will not be available under these circumstances:

- The records are not in Metro's possession; if we know where such records reside, such as Multnomah County, Oregon DEQ, City of Portland, etc... we will advise you.
- The records have been destroyed (based on legally-established retention requirements).
- The records you requested may be exempt from public disclosure. If this is the case, you will be contacted by Metro's legal department to inform you of the exemption and the reason for it.

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/>