



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.

Regarding public record requests, it is important to note that public records law does not require Metro to create a public record where none exists.

Q: *How do I submit my public records request?*

A: All public records requests are submitted online through Metro's Public Records Request Center.

Q: *Why do I have to create an account to request records?*

A: Creating an account allows you to download records and monitor the status of your requests in our online portal. You only need to create an account once and then there is no need to reenter your contact information for future requests. It is up to you how much information you include in your account registration; the only required information is your first and last name and a valid email or mailing address to facilitate communication when processing your request.

Q: *What if I don't have access to a computer to submit my public records request?*

A: Metro staff will help you complete the online process or mail you a blank copy of a public records request form for you to complete and return.

Q: *Can information about me and my request be made public?*

A: Yes, it could be. Like all information received by a public agency, public records requests are subject to state Public Records Law (ORS 192) and may be disclosed unless otherwise exempt. We will only release this information upon request and after reviewing for exempt information.

You may send a formal request to maintain certain information in confidence. Please review the Attorney General's guidance on how to do so. We will make a note in our record of your request, though we cannot guarantee this information will not be subject to release in all circumstances.

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.

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 may include materials and mailing expenses, as well as staff time spent locating, reviewing, copying records, or supervising a person's inspection of original records.

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

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

Q: *Metro 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.

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, confirming if Metro is or is not the custodian of the records. Normally Metro makes every effort to release responsive records within 10 business days after the 5-day acknowledgment is sent. There are instances where it may take longer based on the scope and complexity of the request.

Q: *What happens if you can't find all 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 time spent searching for requested records that turn out not to exist. Being as specific as possible when making a request will help avoid unnecessary charges.

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

A: All requests must be submitted centrally through Metro's online Public Records Center. If you submit a request directly to a department at Metro, you will be redirected. If you do not have access to a computer, Metro will provide assistance.

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 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.

Q: *If records do not exist but are likely to be created, what are my options?*

A: Metro does not provide notice when records become available. If you ask for records that do not yet exist but are likely to be created, staff will notify you of this and confirm that you will need to submit a new request in the future. If known, staff may provide a timeline regarding when the records may be available.

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

Another useful resource is *A Quick Reference Guide to Oregon's Public Records Law*, which can be found on Open Oregon's website.