

Operational Policy

Policy Title:	Public Records Request Fees and Waivers		
Policy Number:	OHA-010-010-01		
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Approved:	Suzanne Hoffman		

Purpose

The Oregon Health Authority (OHA) is committed to accountability and transparency in government and strives to foster these values through our management of public records requests.

To foster transparency, the agency makes many materials available at no cost to the requester. However, charging for the reasonable costs associated with preparing records for distribution, as permitted by statute, enables OHA to maintain fiscal integrity.

Description

This policy and its associated policies and processes details the fees that may be charged to prepare records for distribution in response to public records requests and the process for requesting the reduction or waiver of fees in compliance with ORS 192.410 to ORS 192.505 and OAR 943-003-0000 to OAR 943-003-0010. The associated policy and processes also detail the process for requesting records.

Clarification

This policy and supporting Oregon Administrative Rule (OAR) do not supersede any existing specific request fees, such as fees for requesting birth certificates.

Applicability

This policy applies to all OHA staff including employees, volunteers, interns and any entity requesting records.

As keepers of the public trust, all agency employees have a responsibility to comply with state and agency policies, administrative rule, and state and federal law. The agency takes this responsibility seriously and failure to fulfill this responsibility is not treated lightly. Employees who fail to comply with state or agency policy, administrative rule, or state and federal law may face progressive discipline, up to and including dismissal from state service.

Policy

1. Fees may apply for each public records request. The fees listed in this policy represent the most

frequently requested formats for information. Fees for information requested in formats other than those detailed in this policy will be determined on a case-by-case basis by the public records officer.

- a. There is no charge to provide an estimate of costs for the preparation of records for distribution.
 - b. There is no charge for the first 30 minutes of staff time to provide the information requested.
 - c. After the first 30 minutes, OHA will assess fees for staff time at \$28.00 per hour to be billed in 15-minute increments.
 - d. When OHA is required to use staff from the Office of Information Services or other specialized staff, OHA will assess fees based on the actual cost of staff time.
 - e. When OHA is required to use the services of Department of Justice Attorneys General to prepare records for release, an estimate of the required attorney time at the appropriate hourly rate will be included in the estimate of time required to complete the request.
 - a. The estimate will include, but not be limited to, the time required for activities such as redacting materials and segregating materials into exempt and non-exempt.
 - b. Costs associated with determining the application of ORS 190.410 to ORS 192.505, and related to the appropriateness of inspecting the records will not be assessed.
 - f. Costs for actual duplication of the records will be assessed in addition to charges for staff time.
2. OHA will assess fees for the duplication of records.
- a. The fee for single-sided printed or photocopied pages is \$0.25 per page after the first 10 pages. The first 10 pages are free.
 - b. The fee for double-sided printed or photocopied pages is \$0.45 per page after the first five (5) double-sided pages. The first five double-sided pages are free.
 - c. The actual cost of materials will be charged for producing information on other media types, including but not limited to audio tape, video tape, CD, DVD, microfilm, or magnetic tape.
3. OHA will assess fees for the costs incurred in delivering records.
- a. There is no delivery cost when a requester picks up the records at the location where the records exist or are otherwise reproduced.
 - b. The fee for faxing documents is \$0.30 per page.
 - c. When records are delivered through the U.S. Postal Service or another delivery method, the actual cost of mailing or shipping the materials will be assessed.
4. Costs may be waived in accordance with this policy.
- a. In general, costs of less than \$50 will be waived automatically.
 - b. Costs may not be avoided by submitting multiple small, related requests that individually would result in costs of less than \$50 but which cumulatively exceed \$50.
 - c. In accordance with federal law (HIPAA), individuals will be provided copies of their own protected health information at no cost.
 - d. For members of the media and non-profit organizations such as Legal Aid and 501(c)(3) corporations, costs of \$50 or less will be waived; costs in excess of \$50 will be halved.
 - e. Records will be supplied to other government entities at no cost.
 - f. OHA may waive fees up to, but not exceeding, the cost of 40 hours of staff time on a single request.
5. OHA may reduce or waive fees in accordance with ORS 192.440(5), OAR 943-003-0000 and the OHA fee and waiver policy if OHA determines the reduction or waiver is in the public interest or if the waiver is otherwise in accordance with agency policy.
6. Factors that may be considered when determining whether to reduce or waive fees include:
- a. The overall cost to be incurred by OHA in preparing the records.
 - b. Whether supplying the requested records or documents is within the normal scope of OHA business.

- c. Whether requiring payment would cause extreme or undue financial hardship upon the requestor.
 - d. Public interest in the requested materials.
 - e. The ability of the requestor to broadly distribute the information.
 - f. Whether the request is related to discovery requests made as part of pending administrative, judicial, or arbitration proceeding.
7. To request a waiver of fees, requesters may complete form HS 5108 or submit a request in some other manner acceptable to OHA.

References

In addition to the references provided below, employees should also refer to related process maps and protocols, including agency guidelines, departmental or program best practices and program procedure manuals.

ORS 192.410 to ORS 192.607

OAR 943-003-0000 to OAR 943-003-0010

Oregon Attorney General's Public Records and Meetings Manual

Forms

Request for disclosure of public records (HS 5107)

Authorization for use and disclosure of information (MSC 2099)

Request for access to records (MSC 2093)

Request for waiver of public record request fee (HS 5108)

Account receivable billing request (MSC 3300)

Policies and process maps

OHA Privacy Policies (OHA 100-001 et. sequential)

OHA Record request fee schedule (OHA 010-010-01)

OHA Record request simple process steps

OHA Record request simple process map

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To request this policy in another format or language, contact the Publications and Design Section at 503-378-3486, 711 for TTY, or email dhs-oha.publicationrequest@state.or.us

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Records, Information request, Public records, Release of information