

Operational Policy

Policy Title:	Public Record Request		
Policy Number:	OHA-010-010		
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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.

The purpose of this policy is to ensure that all requests for public records are handled in a manner that is consistent, efficient, timely and in compliance with state and federal law. Additionally, this policy and its associated policies provide an outline by which the public can hold the agency and the agency holds itself accountable for our responsiveness to 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 details the process to make a request for public records held by the Oregon Health Authority. This policy and associated policies also detail the fees that may be charged to prepare the records for distribution and the process for requesting the reduction or waiver of fees.

The State of Oregon and OHA make records related to the business of the state and the agency available to the public for review, except where those records specifically are exempt from disclosure by federal or state statute. Records that are exempt from disclosure cannot be released. Exemptions generally are intended to prevent the invasion of an individual's privacy, the use of public records for personal, commercial or political gain, and to meet federal and state confidentiality requirements. When OHA claims a record is exempt from release, the statute or rule that exempts the record will be provided. For more information about exemptions, see Oregon Revised Statute (ORS) 192.410 to 192.505.

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. Public records shall be made available. Unless prevented by state or federal rule or law, OHA releases all available information in response to requests. OHA works to release records quickly. Many requests are finished in seven days and most requests are complete in 30 days.
2. Records shall be made available upon request, as soon as practicable and without unreasonable delay, unless explicitly exempt from release. Reasonable time is allowed for the agency to process the request, including gathering, reviewing and, if necessary, redacting those records which are exempt from disclosure.
 - a. Records that are exempt from disclosure primarily are defined in ORS Chapter 192.
 - b. Under the law, exemptions generally are intended to prevent invasions of privacy or use of public records for personal, commercial or political gain.
 - c. Exempted information includes, but is not limited to, social security information, home addresses, medical records and certain investigative records.
 - d. A reasonable amount of time for completing a request depends on the number and type of records requested as well as the amount of required review and redaction.
 - e. OHA may have access to records or data held by business associates or contractors. The agency does not request records from business associates or contractors if those records are not used by the agency as a routine matter of business.
3. A complete request for records includes:
 - a. A description of the information requested, as specific as possible, including the type of records, subject matter, approximate dates the records were created, and the names of the persons involved.
 - b. Contact information for the requestor: name, address, email address, and telephone number of the person or organization requesting the public records.
 - c. The format in which the requestor desires to receive the records (hard copy, electronic copy by e-mail [PDF or other format], electronic copy on disc, CD, or other media) and the number of copies requested. (The agency encourages use of electronic media to reduce both cost and waste.)
4. The Director's Office is responsible for coordinating public records requests. The Director's Office oversees and coordinates responses to public records requests to help ensure the agency handles all requests consistently and appropriately.
 - a. The Office of the COO has a public records officer who responds to non-legislative and non-press requests and assists the Office of Communications and Office of Legislative Affairs as needed.
 - b. All requests from Legislators and their staff are managed by the OHA Legislative Director.
 - c. All media requests are managed by the Office of Communications.

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5. Program offices are responsible for processing and compiling records responsive to a public records request.
 - a. The program staff responsible for maintaining the requested information will compile the information, but will work with the appropriate project lead from Communications, Legislative Affairs or the office of the COO to ensure the response process aligns with OHA policy as well as all federal and state laws and rules regarding public and private information.
 - b. Information requests involving an OHA employee, intern or volunteer will be processed in coordination with the OHA Human Resources Office.
 - c. Federal and state law may require a written release by a client, parent or guardian of a client, or other authorized individual prior to release of the records. The requestor will be notified when this situation arises.
 - d. In an effort to foster increased transparency, OHA may choose to perform research and create documents in response to requests for records where no responsive records exist at the time of the request.
 - i. Responding to requests for data of this type is entirely at the discretion of the agency and dependent on the availability and workload of staff and the difficulty of extracting and compiling the data.
 - ii. These requests may be subject to data use agreements.
 - iii. Fees are charged in accordance with the actual cost of producing data, in accordance with the public records policy and the fee and waiver policy.
 6. OHA adheres to a specific process for delivery of records responsive to public records requests.
 - a. Within five (5) business days of receiving a request, OHA shall provide the requestor with an initial notice of receipt.
 - i. The standard initial notice will include acknowledgment of the request, a copy of this policy, a copy of the fee schedule, any requests for clarification, and information related to estimates of cost if a cost will be incurred.
 - ii. For individuals or organizations that make regular requests or have an ongoing relationship with the agency, such as reporters or stakeholders, the agency is not required to provide a copy of the policy and fee schedule with each request.
 - iii. OHA will provide a copy of the records policy and fee structure upon request.
 - b. Copies of records shall be provided at a cost reasonably calculated to reimburse OHA for the actual costs incurred in making the records available.
 - c. In accordance with ORS 192.440(4)(c), if the estimated fee exceeds \$25, the requestor must provide written authorization in order for OHA to proceed.
 - d. When possible, records will be provided electronically in order to reduce costs for the agency and the requestor.
 - e. To protect the security of its systems, OHA will not permit the transmittal of records on a disk or other electronic device that must be connected to its systems, unless that disk or device is procured and provided by OHA.
 - f. As soon as practicable and without unreasonable delay, OHA will provide a final response in compliance with the requirements of ORS 192.440(2).
 7. OHA may charge a fee for providing records in accordance with the established fee and waiver policy ([OHA-010-010-01](#)).
 - a. Fees are calculated to reasonably reimburse OHA for the costs incurred in making the records available. Activities involved in preparing records for distribution include any steps reasonably required to make the information available and are not limited to:
 - i. Staff time for locating, compiling, summarizing, printing, redacting, copying and distributing the information.
 - ii. Office supplies to conduct each activity.
 - iii. Postage or other expenses.

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- b. OHA may reduce or waive fees if OHA determines the reduction or waiver is in the public interest pursuant to ORS 192.440(5) or if the waiver is otherwise in accordance with agency policy.
 8. The requestor may make payment upon delivery of the records or be billed for the charges ([form MSC 3300](#)).
 - a. OHA accepts checks, money orders or Visa payments.
 - b. At the agency's discretion, a requestor may be asked to pay for a completed request prior to the release of records.

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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