

SB 417 STAFF MEASURE SUMMARY

Senate Committee On Rules

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Meeting Dates: 2/7

WHAT THE MEASURE DOES:

Directs public bodies to perform search, review, and duplication work when responding to public records requests in least expensive manner reasonably possible. Limits hourly rate of compensation that may be charged for such work to no more than hourly rate of lowest-paid employee capable of performing such work. Provides for public body to recover fees for work done by volunteers. Requires public body to provide explanation of fees if sought by requester, in manner allowing reasonable person to understand. Authorizes public records custodian to waive or reduce fees for any reason and enumerates factors that may be considered when determining fee waiver or reduction. Requires custodian to furnish public record without charge if disclosure primarily benefits general public, unless disclosure is outweighed by substantial prejudice to custodian, or if waiver would prevent custodian from performing other required functions. Requires requests made by members of news media to be assumed as in public interest, unless custodian demonstrates that it is not. Requires public body to make available procedure for filing petition with Attorney General or district attorney if it fails to comply with fee waiver or reduction request made in public interest. Provides process for public body issuing fee and fulfilling request. Provides for facilitated dispute resolution services from Public Records Advocate if fee waiver or reduction request made in public interest or other factor was denied.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Oregon's Public Records Law (ORS Chapter 192) defines a public record as any writing with information about the conduct of public business that is prepared, owned, used, or retained by a public body, including every state officer, agency, department, bureau, board, and commission, and every county and city governing body, school district, special district, municipal corporation, or any board, department, commission, council, or agency thereof. Additionally, "every person" has a right to inspect any nonexempt public record of a public body in Oregon.

All public bodies in Oregon must have a written procedure for responding to public records requests and may charge a fee to recover the cost of fulfilling a records request. Fees may be waived or reduced if doing so is in the public interest, which is when providing the record benefits the community or society as a whole instead of benefiting a private entity or person. Current law gives discretion to waive the fee to public bodies. Oregon's public records law contains the following provision authorizing the collection of fees for public records requests:

(a) The public body may establish fees reasonably calculated to reimburse the public body for the public body's actual cost of making public records available, including costs for summarizing, compiling or tailoring the public records, either in organization or media, to meet the request.

Senate Bill 417 directs public bodies to perform search, review, and duplication work when responding to public records requests in the least expensive manner reasonably possible.