

Pacific States Marine Fisheries Commission Public Records Requests Policy

Oregon's public records law makes Pacific States Marine Fisheries Commission (PSMFC) records in Oregon available for public review, except records that are exempt from disclosure under ORS 192.311 – 192.478. Public records, except those exempt from disclosure, are to be made available at cost to the public body upon request, subject to the procedural guidelines below.

I. PURPOSE

The purpose of this policy is to ensure that all requests for public records are handled in a manner that is consistent with and complies with the public records law, while minimizing the impact on PSMFC workload and fiscal integrity.

II. DEFINITIONS

The definition of “public record” is extremely broad. Questions about whether an item qualifies as a public record should be addressed by referring to the public records law or consulting with PSMFC legal counsel. The PSMFC defines “at cost” as the actual cost of materials, staff time, and any travel or other expenses incurred in preparing and providing the records.

III. PROCEDURE

Public records, except those exempt from disclosure (as defined in ORS Chapter 192), shall be made available upon request for review, and copies shall be provided at a fee reasonably calculated to reimburse the agency for the actual costs incurred in making the records available. Activities to be reimbursed on an at-cost basis include locating, compiling, summarizing, printing, copying and distributing the information, and taking any other steps reasonably required to make the information available.

The following procedure will be followed in implementing this policy:

- A person or organization may request to inspect or receive copies of a public record or information from public records in person at Pacific States Marine Fisheries Commission, 205 SE Spokane Street, Suite 100, Portland, OR 97202, or by mail to the Office of the Executive Director, 205 SE Spokane Street, Suite 100, Portland, OR 97202, fax at (503) 595-3232, or e-mail to info@psmfc.org.
- The request must include the name and address of the person requesting the public record; the telephone number or other contact information for the person requesting the public record; and identify as specifically as

possible the type of record(s), subject matter, approximate date(s), names of persons involved and the number of copies requested. Requesters are not required, but are encouraged, to indicate the format in which any copies are desired and the date, if any, by which the records are needed.

- For large requests, PSMFC shall respond to the requestor with an estimate of expected charges no later than 10 working days after receiving the request. PSMFC's response will contain an acknowledgment of the request, a list of the fees charged to provide records, an estimate of the expected cost of meeting the request, and the expected date and location at which the information will be provided after payment is received.
- Information involving employee personnel files will be handled by the Human Resources Office.
- Original materials may be inspected on-site only and may not be removed from PSMFC property.
- PSMFC reserves the right to provide information in a different format than requested (e.g., in print instead of electronically) if the burden of meeting the requested format is impractical. PSMFC also reserves the right to provide the information after the desired date if the burden of meeting the requested date is impractical.
- The person or organization requesting the information must provide payment prior to preparation by PSMFC staff of the requested information.
- Once payment has been received, PSMFC staff will begin preparing the requested information. The timeline for provision of the information will begin upon receipt of payment.

PSMFC will forward copies of all requests to PSMFC's legal counsel for tracking purposes.

IV. FEE STRUCTURE

The following fees apply per each public information request. The fees listed below represent the most frequently requested formats in which information is requested. Fees for information requested in formats other than those listed below will be determined on a case-by-case basis. All charges are payable in advance of the materials being provided.

- No charge to provide an estimate of costs;
- No charge for the first 30 minutes of staff time to provide the information requested;

- \$28.00 per hour for staff time after the first 30 minutes (billed in increments of \$7.00 per every 15 minutes or fraction thereof – a prorated fee is not available for less than a quarter-hour);
- Actual attorney fees charged to the PSMFC for the cost of time spent by its attorney in reviewing the public records, redacting material from the public records or segregating the public records into exempt and nonexempt records;
- No charge for the first 10 printed or photocopied pages;
- \$0.25 per single-sided printed or photocopied page after the first 10 single-sided pages;
- \$0.50 per two-sided printed or photocopied page after the first five two-sided pages;
- \$0.30 for the each faxed page, limited to a 20 page maximum, not including the cover page
- \$5.00 per CD. Due to the threat of computer viruses, the PSMFC will not permit requestors to provide disks for electronic reproduction of computer records;
- \$25.00 per name and address list request plus the per-page fees listed above, if printed; or plus the cost of the CD listed above, if provided on a CD; or plus the cost of other media (e.g., magnetic tapes, labels, etc.); plus \$0.01 per name for every name in addition to the first 2,000 provided;
- Actual material costs for producing information on audio tapes, video tapes, microfilm, magnetic tape, CDs or other media;
- Actual costs of mailing and/or shipping the materials;
- \$10.00 for each notarized signature or certified copy signature requested.

FEE EXCEPTION REQUESTS

PSMFC may furnish copies of public information without charge or at a substantially reduced fee if the Commission determines that waiver or reduction of fees is in the public interest because making the record available primarily benefits the general public, per ORS 192.324(5). All waivers must be approved in advance. No exceptions to the fee structure will be made for personnel-related information.