

Individuals seeking documents related to criminal matters, court documents or the Sheriff's Office must contact the District Attorney's Office, the Circuit Court or the Sheriff's Office and follow procedures outlined by those offices.

## **PUBLIC ACCESS TO RECORDS**

Oregon's Inspection of Public Records Law (ORS 192.410 to 192.505) gives members of the public the right to inspect and copy public records that are not otherwise exempt from public disclosure. It is the policy of BAKER COUNTY to respond to public records requests as soon as practicable and without unreasonable delay. The purpose of this policy is to:

- Establish an orderly and consistent procedure for responding to public records requests;
- Establish the basis for a fee schedule designed to reimburse BAKER COUNTY for the actual costs incurred in responding to public records requests; and
- Inform individuals of the procedures and guidelines that apply to public records requests.

### **A. PROCEDURES**

1. **Public Records Request.** All public records requests must identify the public records requested and be submitted in writing. A Public Records Request Form is available on the Baker County website. Public records requests may be submitted directly to:

Public Records Request  
c/o Heidi Martin  
Baker County Courthouse  
1995 3<sup>rd</sup> Street  
Baker City, OR 97814  
[hmartin@bakercounty.org](mailto:hmartin@bakercounty.org)

or

submitted via email to the email address listed on the County website of the Baker County Department Head or Elected Official who leads the department in control of the records being sought,

Note: Requests to create a new record are not a public records request. Public bodies are not obligated under Oregon's Inspection of Public Records Law to create new public records where none exists in order to respond to requests for information. BAKER COUNTY Legal Counsel, in consult with Baker County staff, will determine on a case-

by-case basis whether a request to create a record will be fulfilled, and at what cost to the requestor.

2. **Initial Response to Public Records Requests.** Except when impracticable, as defined by ORS 192.329(6), after receiving a request for a public record, BAKER COUNTY will acknowledge the request within five business days by:
  - a. Informing the requester that BAKER COUNTY is not the custodian of the requested record(s);
  - b. Notifying the requester that BAKER COUNTY is uncertain whether BAKER COUNTY is the custodian of the requested record(s);
  - c. Confirming that BAKER COUNTY is the custodian of some or all of the requested record(s), with a timeline for providing an estimate of the fees the requestor must pay prior to receiving the records; or
  - d. Noting that the request is unclear, ambiguous or lacks specificity and requesting additional clarification.
  
3. **Deadline for Response.** Except when impracticable, as defined by ORS 192.329(6), within 10 business days of receiving a fee deposit (or determining that the fee is waived) BAKER COUNTY will respond to the request in one or more of the following ways:
  - a. Providing instruction on how to inspect, access or providing copies of the requested record(s) which BAKER COUNTY does not claim an exemption from disclosure under ORS 192.410 to 192.505;
  - b. Where BAKER COUNTY was uncertain whether it was the custodian of the requested record, providing a statement that BAKER COUNTY does not have custody of the requested public record(s);
  - c. Providing a statement that state or federal law prohibits BAKER COUNTY from acknowledging whether the record(s) exists and a citation to the relevant state or federal law;
  - d. Providing a statement that BAKER COUNTY is the custodian of some or all of responsive record(s), but that some or all of the requested record(s) are exempt from disclosure, with a citation to the exemption (and, if BAKER COUNTY cites ORS 192.502 (8) or (9), the statement will identify the state or federal law that the County relied on in asserting the exemptions) and include in the statement that the requester may seek review by the District Attorney of the public body's determination pursuant to ORS 192.450, 192.460, 192.465, 192.470, 192.480 and 192.490; and/or
  - e. Providing a written statement that BAKER COUNTY is still processing the request and provide a reasonable estimated date by which BAKER COUNTY expects to complete its response based on information currently available.

4. **Closing of the Matter.** BAKER COUNTY will close the request upon either providing access to or the delivery of the requested records, notification of the claim of exemption, and any appeal period has passed or the appeal is resolved. If a requester fails to pay a fee within 60 days of the date on which BAKER COUNTY informed the requester of the fee, or fails to pay the fee within 60 days of the date on which BAKER COUNTY informed the requester of the denial of the fee waiver, BAKER COUNTY shall close the request without any further obligation to the requestor. If the requester fails to respond within 60 days to a good faith request from BAKER COUNTY for information or clarification, BAKER COUNTY shall close the request without any further obligation to the requestor. ORS 192.329(3)-(4)

## **B. FEES**

1. Oregon's Inspection of Public Records Law allows public bodies to recover their actual costs in fulfilling a public records request. If the estimated fee is greater than \$25, BAKER COUNTY will provide the requestor with written notice of the estimated amount of the fee. In such instances, BAKER COUNTY will not fulfill the public records request until the requestor makes a deposit in an amount of the estimated fee.
2. The fee will be reasonably calculated to reimburse BAKER COUNTY for its actual costs in providing access to the records, and may include:
  - a. Charges for the time spent by BAKER COUNTY staff to locate the requested public records, to review the records in order to determine whether any requested records are exempt from disclosure, to segregate exempt records, to supervise the requestor's inspection of original documents, to copy records, to certify records as true copies, and to send records by mail, including special or overnight methods such as express mail or overnight delivery;
  - b. A per-page charge for photocopies of requested records; and
  - c. A per-item charge for providing CDs, audiotapes, thumb drives or other electronic copies of requested records.

Public Records Requests will be subject to approved Department Fee Schedules and applicable statutes. When no fee has been determined for the particular document requested, BAKER COUNTY public records fee schedule is as follows:

Photo Copies	Standard (B&W)	\$0.25 per page
	Color	\$0.50 per page
Electronic Copies	CD	\$40
	Thumb-drive	\$10
Labor Charges*	Administrative Staff	\$25.00 per hour
	Technical and Management Level Staff	\$45.00 per hour
	Legal Staff	\$110.00 per hour
Certified Copies	If available	Additional \$3.75 per document

\* All time for public records requests will be recorded in fifteen-minute increments.

- If the requestor was required to make a deposit, fees will be debited against that deposit. If the fees are less than the deposit, BAKER COUNTY will provide the records along with a refund of the deposit, less the fee. If the deposit is insufficient to cover the entire costs of completing the public records request, or the requestor was not required to pay a deposit BAKER COUNTY will generate an invoice for the unpaid costs of completing the public records request. The requestor must pay the amount owing before BAKER COUNTY will deliver the requested records or make them available for viewing.

### C. FEE WAIVERS

Requests for fee waivers or reduced fees must be made in writing to BAKER COUNTY at the

contact address listed above. The Department Head, Elected Official or Legal Counsel may decide whether to furnish copies without charge or at a substantially reduced fee if providing the records for free or at a reduced cost is a direct benefit to the County or is in the public interest.

#### **D. COPYRIGHTED MATERIAL**

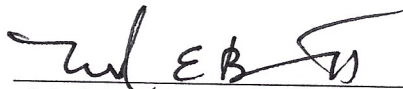
If BAKER COUNTY maintains public records containing copyrighted material, BAKER COUNTY will permit the person making the request to inspect the copyrighted material, and may allow limited copying of such material if allowed under federal copyright law. BAKER COUNTY may require the requestor to obtain written consent from the copyright holder or an opinion from the person's legal counsel before allowing copying of such materials.

Done and Dated this 15<sup>th</sup> day of December, 2021

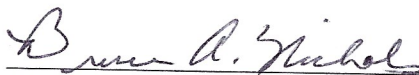
**Baker County Board of Commissioners**



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William "Bill" Harvey, Chairman



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Mark E. Bennett, Commissioner



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Bruce A. Nichols, Commissioner