

Sunrise Water Authority

Policy 9-02

Public Records Policy

Sunrise's Public Record Policy ensures compliance with local, state, and federal laws related to public information. This policy also ensures that all citizens seeking to access information shall be treated uniformly by Sunrise personnel and assisted in obtaining the requested information. Sunrise's Public Record Policy provides for timely responses, uniform fee structures, and guidelines for Sunrise. The Oregon Public Record Law provides further details. Any questions not clearly covered by this policy may be directed to the General Manager for clarification.

Procedure

I. All public record requests must be received in writing — with two exceptions:

- Sunrise may waive this requirement for requests from other public bodies.
- Information on a current computer screen that can be accessed directly by Staff does not require a written request.

In order to avoid unnecessary expenditure of staff time, requests for public records shall specify the records requested with particularity, furnishing dates, subject matter and other such detail as may be necessary to enable Sunrise staff to readily locate the records sought.

A written request also provides a record for Sunrise that may be used as a management tool to evaluate the time and material demands related to public record requests.

2. Portions of some public records may be withheld by request of the customer under certain conditions. ORS 192.445 provides that the public body shall not disclose the portion of a public record that shows a home address or personal telephone number "if the individual demonstrates to the satisfaction of the public body that the personal safety of the individual or the personal safety of a family member residing with the individual is in danger if the home address or personal telephone number remains available for public inspection."

Sunrise will require a written request to keep information confidential. Demonstration of appropriate personal safety criteria must be consistent with State of Oregon Attorney General's guidelines, Appendix H.

3. An individual's utility billing information is information of a personal nature and therefore considered exempt from disclosure under ORS 192.502 (2).

4. The General Manager or designee will be responsible for reviewing requested material before release.

The General Manager or designee will review the requested materials prior to release to determine if the records or parts of the records are statutorily exempt from disclosure. The General Manager may need to confer with legal counsel as to the propriety of the request before records or redacted versions of records are made available.

4. A response acknowledging receipt of the request will be provided

within a reasonable timeframe. Five (5) working days of receiving the written request will be the standard. If locating the document(s) is difficult or will require extensive research, Sunrise will provide to the requester an estimate of when the material will be available.

5. All public records requests received from an opposing party or its counsel during pending litigation between that party and the Authority are referred to Legal Counsel. If Sunrise is presently in litigation with an individual or organization, the release of certain records may be governed by applicable administrative or judicial procedures. When Sunrise receives requests for records during litigation, Legal Counsel must be consulted to determine the response.

6. An appointment, during regular business hours, can be scheduled for review of the requested documents at the Authority offices. Once the requested information has been compiled, the requester may wish to review the material to determine whether copies are needed. In this case, Sunrise will provide the opportunity to examine the documents during business hours. A representative of Sunrise shall be present at any time original records are reviewed, and the charges for standing by while the records are reviewed shall be the same as the charges for searching or reviewing records. **Records may not be removed from the offices of Sunrise.** Copies of documents can be provided upon written request according to the fee structure in this policy.

7. Requests for information must be specific to existing documents. Sunrise is not required to manipulate data, create lists from existing databases or accept standing requests for information which has not been created or retained at the

time of the request. Questions regarding requests may be directed to the General Manager.

8. Fees. Materials produced or used by the Sunrise as part of its public information and education activities will not be subject to a fee. This may include brochures, pamphlets, regulatory standards and requirements, and educational materials.

Sunrise wishes to maximize access to public records and minimize administrative time devoted to tracking and collecting fees for public records. Sunrise will provide one-half hour staff time and up to 10-pages printing costs per requester, per month, before implementing the fee schedule.

The fee schedule for copies or records research beyond the monthly value provided by the Authority is contained in Attachment A. ORS 192.440 (2) authorizes a public body to "establish fees reasonably calculated to reimburse for its actual cost in making such records available." Copying of other kinds of documents — diskette, audio tape, CD, Mylar, blueprint, etc., will be billed to the requester at Sunrise's cost. Persons requesting copies will be provided an estimate of costs before any copies are made.

When materials are requested in an alternate format (large print, Braille, audio tape, etc.) to meet the needs of an individual with a disability, Sunrise will not charge any more for making these materials available than for copies in the original format, unless providing an alternate format would be extremely expensive or disruptive to the operations of Sunrise. Sunrise may consult with counsel prior to providing the copies requested in alternate formats.

A minimum charge per hour as presented in Attachment A, the fee schedule, or actual cost will be assessed for all records searches greater than thirty (30) minutes in response to a public records request. There will be no charge for the first 30 minutes per requester per month. As discussed above, the public records laws allow for the recovery of costs attributable to staff time spent in location and examination of public records. If it is determined that the staff time necessary to respond to the public records request will be greater than thirty(30) minutes, the person making the request will be informed of the hourly charge and an estimate of the time needed.

9. Sunrise requires prepayment of all costs associated with the records production.

10. Fee Waiver Criteria The General Manager , may on occasion, grant whole or partial fee waivers. Anyone wishing a fee waiver may present a request in writing to the General Manager of Sunrise. That person must specifically identify the asserted public interest.

The General Manager will also consider any financial hardship on the agency, the extent of time and expense and interference with the business of the public body, the volume of the records requested, the necessity to segregate exempt from non-exempt materials, and the extent to which an inspection of the records is insufficient for the public interest or for the particular needs of the requestor.

11. Questions concerning potential exemptions or procedural issues in responding to requests should be referred to the General Manager. Questions on

matters not addressed by this policy should be directed to the General Manager. If there are legal issues, the General Manager will contact Legal Counsel for guidance.

12. All requests for information concerning the personnel records of employees of Sunrise should be directed to the General Manager. The Personnel Policy (as amended on June 22, 2011, details exactly what information may be released concerning employees, by whom, and under what circumstances.

ATTACHMENT "A"

PUBLIC RECORDS FEE SCHEDULE

Photocopies:

All sizes, up to and including 11" X 17" \$.25/page

Audio Tape:

Sunrise does not have the ability to duplicate audiotapes.
The actual cost of out-sourcing duplication will be charged to
the requester.

Other Materials:

Diskette, CD, Mylar, blueprint, etc., will be billed to the
requester at Sunrise's cost.

Search Time:

Any request for records requiring more than one-half hour of
Staff time, per month, per requester, shall be charged
Sunrise's standard hourly rate for the employee or
employees involved.

Sunrise will provide one-half hour staff time and up to 10-pages
printing and mailing costs per requester, per month, before
implementing the fee schedule.