

Operational Policy

Policy Title:	Public Record Requests and Fees		
Policy Number:	OHA-010-010		
Original Date:	6/09/2008 (DHS)	Last Update:	05/06/2019
Approved:	Kris Kautz, Deputy Director OHA		

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. All requests are handled in a manner that is consistent, efficient, timely and in compliance with state and federal law. To foster transparency, the agency makes many materials available at no cost to the requester.

Description

OHA makes 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. 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 as soon as practicable and without unreasonable delay, in accordance with the timelines and conditions outlined in ORS 192.324 and ORS 192.329. Subject to statutory exceptions, the agency shall:
 - a. Acknowledge requests within five calendar days of receipt.
 - b. Complete requests or provide an estimated date of completion within 15 business days of receipt.
 - c. Complete most requests within 30 calendar days of receipt.
2. A public records team, housed in the office of the Deputy Director, ensures the agency handles all requests consistently and appropriately by overseeing, coordinating, and tracking responses to all public records requests. Records requests received by program staff shall be forwarded to the

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- public records team for response and tracking.
3. Records may be requested by submitting a request to OHA.PublicRecords@dhsoha.state.or.us. 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 or 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 media). The agency encourages use of electronic media to reduce both cost and waste.
 4. Records shall be made available upon request unless explicitly exempt from release.
 - a. Records that are exempt from disclosure primarily are defined in ORS Chapter 192.
 - b. The agency may have access to records or data held by business associates or contractors. Records not held by the agency as a routine matter of business, whether or not the agency may request them, are not requested and provided in response to public records requests.
 5. 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 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.
 6. Program offices are responsible for compiling records responsive to a public records request and providing those records to the public records team.
 - a. Information requests involving an OHA employee, intern or volunteer will be processed in coordination with the OHA Human Resources Office.
 - b. 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.
 7. 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.
 - a. 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.
 - b. These requests may be subject to data use agreements.
 - c. Fees are charged in accordance with the actual cost of producing data.
 8. OHA waives most public records fees but may charge a fee for providing records in accordance with ORS 192.324 and Oregon Department of Administrative Services statewide policy 107-001-030.
 - a. In general, costs of less than \$100 will be waived.
 - b. For members of the media and non-profit organizations such as Legal Aid and 501(c)(3) corporations, costs of \$100 or less will be waived; costs in excess of \$100 will be halved.
 - c. OHA may waive fees up to, but not exceeding, 40 hours of staff time on a single request.

References

[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 simple process steps
OHA Record request simple process map

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Policy History

Version 1 06/09/2008 (established by Department of Human Services)
Version 2 03/03/2014 (individual policy established by Oregon Health Authority)
Version 3 05/06/2019

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

Keywords

Data, information, media, public, records, release, request