

## Release of Records

### 901.1 PURPOSE AND SCOPE

This policy establishes guidelines for the public to inspect and obtain copies of public records.

Inspection and release of records with protected health information is covered in the Patient Medical Record Security and Privacy Policy.

### 901.2 POLICY

The Tangent Rural Fire Protection District is committed to providing public access to records consistent with Oregon's Public Records Law.

### 901.3 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any member who receives a request for records shall route the request to the Fire Chief or, in his absence, the Assistant Chief.

#### 901.3.1 REQUESTS FOR RECORDS

The processing of requests for records is subject to the following (ORS 192.324; ORS 192.329):

- (a) The District is not required to create records which do not exist.
- (b) Within five business days of receiving a written Records Request Form to inspect or receive a copy of a public record, the Fire Chief shall acknowledge receipt of the request or complete the response to the request.
- (c) A written acknowledgement shall advise the requester of one of the following:
  1. The District is the custodian of the requested record.
  2. The District is not the custodian of the requested record.
  3. The District is uncertain whether the District is the custodian of the requested record.
- (d) As soon as reasonably practicable, but not later than 10 business days after acknowledgment of a receipt of the Records Request Form, the Fire Chief shall:
  1. Complete the response to the records request, or;
  2. Provide a written statement that the request is being processed and a reasonable estimated date on when the response should be completed based on the information currently available.
- (e) The time periods established by ORS 192.324 (copies or inspection of public records) do not apply to a public body if compliance would be impracticable because: 1) the staff or volunteers necessary to complete a response to the public records request are unavailable; 2) compliance would demonstrably impede the public body's ability to perform other necessary services; or 3) of the volume of public records requests being simultaneously processed by the public body.(ORS 192.329).
- (f) A request for records is considered complete when:

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1. Access or copies of the requested public records is provided to the requester, if no exemption applies or an explanation is provided to the requester regarding where the records are publicly available.
  2. A written statement is sent to the requester that an exemption exists and that access is denied.
    - (a) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted, and the unrestricted material released (ORS 192.338).
    - (b) A copy of the redacted release should be maintained as evidence of what was actually released and should document the reasons for the redactions.
  3. A written statement is sent to the requester that the District is not the Custodian of Records for the record requested.
  4. A written statement that state or federal law prohibits the District from acknowledging whether the record exists or that acknowledging whether the records exists would result in the loss of federal benefits or other sanctions. This statement shall include the state or federal law citation relied upon by the District
- (g) If necessary, the Fire Chief may request additional information or clarification for the purpose of expediting the response to the request. The response to the request is suspended until the requester provides the requested information, clarification, or affirmatively declines to provide the information or clarification. If the requester fails to respond within 60 days, the request shall be closed.
- (h) If the public record is maintained in a machine readable or electronic form, a copy of the public record shall be provided in the form requested, if available. If the public record is not available in the form requested, the public record shall be made available in the manner in which it is maintained (ORS 192.324).

### 901.3.2 DENIALS

If the Fire Chief determines that a requested record is not subject to disclosure or release, the Fire Chief shall inform the requestor in writing of that fact and state the reason for the denial. When the denial is pursuant to federal or state law, the specific law shall be provided to the requester (ORS 192.329).

When asserting that a record is exempt, the written statement of denial shall include a statement that the requester may seek review of the determination pursuant to Oregon law as identified by ORS 192.329.

If the disclosure refusal is challenged by the requester by petition to the Attorney General or the Fire District Legal Counsel, the District will have the burden to support the denial (ORS 192.401; ORS 192.415).

### 901.4 RELEASE RESTRICTIONS

Examples of records with release restrictions include:

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- (a) Patient Care Reports (PCRs) (45 CFR 164.502) (see the Patient Medical Record Security and Privacy Policy)
- (b) Personnel or similar files (ORS 192.355)
- (c) Records pertaining to pending litigation (ORS 192.345)
- (d) Legal opinions
- (e) Arson investigations (ORS 192.345)
- (f) A personnel discipline action, including materials or documents in support of the action (ORS 192.345)
- (g) Test questions, scoring keys, and other examination data used to administer an examination for employment (ORS 192.345)
- (h) Contents of real estate appraisals prior to acquisition (ORS 192.345)
- (i) Records where disclosure is exempt or prohibited pursuant to provisions of federal or state law, including but not limited to provisions of the Evidence Code relating to privilege.
- (j) Records that relate to archeological site information (ORS 192.345)
- (k) Any public records or information prohibited from disclosure by federal law or regulations (ORS 192.355)
- (l) Any public records or information prohibited, restricted, or otherwise made confidential or privileged by Oregon law (ORS 192.355)

### **901.5 FEES FOR PUBLIC RECORDS**

The District has established fees (as permitted under ORS 192.324(4)) to reimburse it for costs associated with making public records available as outlined in District Ordinance No. 103 (attached to Public Record Request form).

Fees are limited to no more than \$25 unless the requestor is provided with a written notification of the estimated amount of the fee and the requestor confirms that he/she wants the District to proceed. Again, such fees are in accordance with District Ordinance No. 103.

If a fee is assessed and the requestor has been informed, the request is suspended until the requestor has paid the fee or Tangent Fire District has waived the fee. If the fee is not paid within 60 days of informing the requestor of the fee or the Fire District has denied a request for a fee waiver, the request shall be closed.