

What is a public record?

With a few exceptions, all government records *of any kind* are considered public records. Specifically, a “public record” is any writing that contains information relating to the conduct of public business... that is prepared, owned, used, or retained by a public body. [ORS 192.410(4)]

A record may be handwritten, typed, photocopied, printed, microfilmed, and exist in an electronic form such as e-mail or a word processing document or other types of electronic recordings.

Many public records requests are requests for information that would actually require the creation of a new public record. Public bodies are not obligated under Oregon’s Public Records Law to create new records where none exist in order to respond to requests for information. Although a public body may, if it chooses, create a new record to provide information, the public body does not have to create a new record and only has a duty to allow the inspection and copying of an existing public record.

How do I request a public record?

A request to inspect or copy a public record produced by the Port for existing published information (e.g. brochures, annual reports, financial audit reports, regulations, policies, rules, Port publications, statistic reports, commission information newsletters) will be fulfilled by the staff person who receives the oral or written request.

Public record requests must be made in writing. If you have questions contact the Port’s Records Program Manager, at PublicRecordsRequest@portofportland.com.

Why do I need to submit the records request in writing?

To streamline the public records request process, the Port utilizes the online form to help ensure we receive a clear concise request and the requestor’s contact information. It also allows for the immediate delivery of the request to the Port Records Program Manager.

How much will a public records request cost?

The cost is dependent on factors such as the breadth of the request, the types of records requested, and the complexity of the research required. The Port Public Records Price list can be found [online](#). Before producing records, the Port will prepare an estimate of the charges that will be incurred to respond to a public records request. Prepayment of the estimated charges is required before the Port makes the records available for inspection or copying or produces copies of any requested records. If the actual costs incurred by the Port to respond to a records request are less than the amount of any required prepayment, the Port will promptly refund the overpayment. If the actual costs incurred by the Port to respond to the request are more than the amount of the prepayment, the Port will require payment of all such additional costs before the records are produced to the requestor or made available for inspection or copying.

Will the Port reduce or waive fees?

The Port may reduce or waive fees if making the records available primarily benefits the general public. In order to have a request for waiver considered the requestor should provide a statement about how the release of the records affects the community or the public as a whole in contrast to a concern or interest of a private individual or entity. All requests are evaluated on the circumstances as a whole, including the burden to the Port in locating or preparing the records.

Why do I have to pay a fee?

The public records law authorizes public agencies like the Port to establish reasonable fees to be reimbursed for the actual costs of producing the records. [ORS 192.440 (a-d)]

The fee for responding to a public records request will be that established in the fee schedule adopted by the Port which is in effect at the time the request is submitted. The fee will be reasonably calculated to reimburse the Port for its actual costs in making the records available as defined in the Port Public Records Request Price List.

One of my choices is to 'inspect the records' What does this mean?

All citizens have the right to inspect public records at the Port's offices, rather than receive copies of the records.

The Port is obligated to provide public records in the format in which they exist. If requested public records are in electronic form and you want to inspect the records, the Port will make arrangements for you to do so with the appropriate device, such as a computer or tape recorder. The Port is not obligated to provide a public record in another form, such as a written transcript. The Port may provide the public record in an alternative format such as a transcript if it wishes and if the person making the request fully reimburses the Port for the costs of providing the record in such an alternative format. The Port will provide records in alternative format at no cost if necessary to provide reasonable accommodation to the persons with disabilities.

The instructions state that the Port will "respond to my request 'as soon as practicable.'" What does this mean? What if I want the records today?

Response times can vary depending upon the breadth of the request, the types of records requested, and the complexity of the research required. In some cases, the Port may be able to accommodate your request within 24 or 48 hours. However, more complicated requests may require additional time for staff to analyze the request, conduct research, and gather and produce the corresponding records. In such situations, the Port will notify you promptly that it received the request and provide a time and preliminary estimate of cost if possible. You can assist this process by being as specific as possible when you make your initial request or modifying your request after it is made in order to narrow the breadth of material to be researched and reviewed.

The office said that the records I wanted weren't available or that some of the information is exempt. What do I do now?

Records may not be available. The Port is not required to create new records where none exist in order to respond to requests for information.

The Public Records Law does allow for exemptions of certain types of record. [ORS 192.501 and 192.502] If staff determines an exemption may apply, your request will be forwarded to the Port Legal Department for further consideration. You will be contacted with the final decision within a reasonable amount of time. If the Port tells you that your requested records are exempt and that we cannot share the information, we also will tell you why and provide you with a citation to the relevant exemption. In some cases, it is possible to provide you with the records with protected information removed.

If I have a continuing interest in a particular set of records, may I be notified whenever there is an update or new records are available?

No, a new request must be made each time.

If you would like additional information about public records, the Oregon Department of Justice: Citizen's Guide to Public Records and Meetings is available on the DOJ website:

http://www.doj.state.or.us/public_records/citizens_guide.shtml

An additional resource is A Quick Reference Guide to Oregon's Public Records Law, which can be found on Open Oregon's website: <http://www.open-oregon.com/>