



## ADMINISTRATIVE DIRECTIVE

2.50.012-AD

### Process for Responding to Requests for Public Records

#### I. Definitions:

For the purposes of 2.50.010-P Public Records Policy and this Administrative Directive, the following definitions apply:

- A. Public Record. A record, as defined by the Oregon Public Records Law, that is subject to inspection or production upon request.
- B. Requestor. A person who requests to inspect or receive copies of district records.
- C. Public Records Officer. Employee of the District tasked with responding to public records requests.
- D. Clerical Tasks. Time spent by staff compiling, identifying, collating, or copying records, or any other task primarily clerical in nature and not requiring independent judgment.
- E. Administrative Tasks. Time spent by staff reviewing, analyzing, summarizing, condensing, or redacting records, or any other task that requires independent judgment or decision making.
- F. Legal Review. Time spent by an in-house or external attorney to review and redact records. Does not include time spent by an in-house attorney determining the applicability of exemptions to records.
- G. Confidential Information. Information, comprising part or all of a record that either meets a statutory exemption or prohibition from disclosure and may or must be redacted or withheld.
- H. Retaliation. An act or failure to act that impedes the provision of public records.
- I. Conflict of Interest. A situation in which a district employee or official is in a position to derive personal or familial benefit from actions or decisions made in their official capacity.

#### II. Portland Public Schools recognizes and honors the importance of ensuring transparency of government records. This Administrative Directive sets forth the process by which members of the public can request records from the District.

- A. Public records requests will be reviewed, evaluated, and responded to in a consistent manner and in accordance with State and Federal law.
- B. Members of the public can make public records requests through the Public Records Officer. Requests will be accepted via electronic mail, regular mail, fax, telephone, or in person. If the request is for a student or former student's own education records, the request will be forwarded to the appropriate school or department for processing. Current or former employees seeking their own employment records do not need to submit a public records request and instead



## ADMINISTRATIVE DIRECTIVE

2.50.012-AD

### Process for Responding to Requests for Public Records

may contact Human Resources.

- C. It is the intent of the District to provide records in a timely fashion. The time needed to respond will depend on the complexity of the request and the volume of records that have been requested. All requests will be acknowledged no later than five business days after receipt. If it will take more than 15 working days after receipt of the request to identify responsive records and complete the request, the District will communicate that to the requestor along with an estimated date for response.
  1. If clarification or additional information is required to conduct an effective search for records, the Public Records Officer will notify the requestor as soon as practicable. Work on the request will stop until clarification is received. If the requestor does not respond to such a request within 60 calendar days, the request will be cancelled.
  2. If the Public Records Officer determines that the District possesses no responsive records, it shall provide notice to the requestor of this fact.
  3. If the Public Records Officer determines that the District cannot confirm whether responsive records exist because a State or Federal law prohibits it, it shall provide notice to the requestor of this fact and include a citation to the relevant statute that prohibits further disclosure.
- D. While state law allows the District to charge for the time and cost in responding to a public records request, it is the goal of the District to provide the public with records at no cost whenever practicable. In most cases, the District is able to provide records without charging requestors for the time involved in responding to the request. However, if responding to a specific request is estimated to take more than two hours of staff time or will incur costs in excess of \$90 dollars, or an individual requestor makes three or more requests within the same school year, the District reserves the right to charge for the time involved in responding to the request. The District will conduct an annual review of costs associated with public record requests.
  1. Charges for responding to requests shall be assessed as follows:
    - a. For Administrative Tasks, the District will charge \$45/hour.
    - b. For Clerical Tasks, the District will charge \$30/hour.
    - c. For Legal Review, the District will charge \$100/hour.
    - d. If a request requires the production of documents in hard copy, charges will be made for any documents exceeding 20 pages. Charges will be \$.30/page. For unusually sized documents, or



## ADMINISTRATIVE DIRECTIVE

2.50.012-AD

### Process for Responding to Requests for Public Records

historical documents that are challenging to copy, the District reserves the right to charge the actual costs incurred.

- e. If it is necessary to charge for a request, payment must be made in advance. If staff time is less than the estimated cost, the requestor will be refunded the difference.
  2. Requestors may request a waiver or reduction of fees. This request may be submitted in the same method as a request for records. Requestors are encouraged to include a statement detailing why they believe the waiver is in the public interest. The Public Records Officer will make a decision primarily by balancing the public interest in releasing the records against the public interest in recouping the District's costs. The decision will be communicated in writing as soon as practicable after receiving the request for a waiver.
  3. If fees are assessed (and a fee waiver is denied), and the fees are not paid within sixty calendar days, the request will be cancelled.
- E. While the District honors the spirit and letter of the public records law, the school district also recognizes that it is in possession of sensitive and confidential information about students, staff, and families.
  1. If a request names or overtly relates to a staff member and seeks potentially sensitive, personal, or private information, the Public Records Officer will provide a written notification to the staff member within the next business day. If, in the course of reviewing records, the Public Records Officer realizes for the first time that the records relate to a staff member and contain potentially sensitive, personal, or private information, the Public Records Officer will provide a written notification to the staff member as soon as practicable.
    - a. If the staff member is represented by a union, a copy of the notification will also be shared with that union.
  2. For each record identified as potentially responsive to a request, the Public Records Officer shall review the record and determine whether it is responsive to the request, whether it contains confidential information, and whether the record is exempt from disclosure. For any proposed redaction, the Public Records Officer shall be able to show the legal basis for withholding the information or records.
  3. When necessary, the Public Records Officer shall seek the advice of legal counsel to complete this analysis. If the Public Records Officer or any member of the General Counsel's Office is named in the request, the



## ADMINISTRATIVE DIRECTIVE

2.50.012-AD

### Process for Responding to Requests for Public Records

named individuals shall recuse themselves from decision making as to the application of exemptions to the records at issue.

4. If the Public Records Officer determines that any records should be redacted or withheld, it shall provide notice to the requestor citing the legal basis for the redactions and include a statement that the requestor has the right to seek review of the redactions from the Multnomah County District Attorney or from the Board of Education.
  5. Upon receiving a request for review under [2.50.010-P Public Access to District Records](#), the Board will vote on whether to consider the appeal at its next full meeting. If it votes to consider the appeal, all documents subject to the review shall be provided to the Board on a confidential basis. Once the Board votes to consider the review, it has 30 days to vote on the appeal. The Board may affirm the District's decision or may reverse and direct the Public Records Officer and General Counsel's Office to conduct a second review of the exempted materials or assessed fees. The Board shall not consider requests where a decision has already been made by the District Attorney's Office.
- F. Upon request, the Public Records Officer shall make records available to persons with disabilities in an appropriate format in accordance with the requirements of the Americans with Disabilities Act. No fees will be charged for the incremental cost of providing records in an alternative format.
- G. The District will respond to all Public Records Requests without regard to the identity or motive of the requestor. All District employees are expected to cooperate with the Public Records Officer to identify and evaluate records, and may not retaliate against any requestor. The District recognizes that requestors may be frustrated when Confidential Information is redacted or withheld, or when fees are assessed. However, good-faith actions taken in the normal course of responding to a public records request, including applying redactions, assessing fees, or denying a request, with a reasonable basis under State or Federal law, shall not be considered retaliation.

Policy References: 2.50.010-P

History: Adpt. 11/8/94; Amd. 10/17/95; Amd. 9/01/02; Amd. 4/15; Amd. 8/21.