



ADMINISTRATIVE POLICY

Public Access to Port Records

Policy No. 7.1.5

Revised July 29, 2003

Oregon law states that every person has a right to inspect any nonexempt public record. Public record means any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by a public body regardless of physical form or characteristics, including but not limited to handwriting, typewriting, printing, photostating, photographing and every means of recording, including letters, words, pictures, sounds or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, discs, drums or other documents.

Record request protocol:

- A request to inspect or copy a record produced by the Port for general public distribution may be oral or written, and will be granted or denied by the staff person who has the record;
- A request to inspect or copy a single record or an otherwise simple request which does not involve multiple staff or departments, which is not related to litigation or potential litigation, and which does not involve confidentiality may be oral or written and will be granted or denied by the staff person who has the record, with consultation with the Ports Records Program Manager as necessary;
- If a request to inspect or copy a record involves multiple staff or departments, is related to litigation or potential litigation, involves confidentiality issues, involves a question regarding the record's status as a public record, or involves a question regarding the record's status as exempt from public disclosure, the request must be in writing and will be granted or denied only after consultation with the Legal Department and other appropriate staff.

A copy of each written request for inspection or copying of a public record shall be delivered to the Port's Records Program Manager immediately upon receipt, along with a copy of any written response by the Port (if applicable)

Charges for copies of records:

- Black on white copies of a record on paper up to 11"x17" that can be identified, located and produced with a nominal amount of staff time will be provided at a charge of \$0.25 per page, plus any cost of delivery.
- Copies of other records on paper (e.g., color copies, oversized documents, engineering drawings, electronic media, etc., but not including photographs) that can be identified, located and produced with a nominal amount of staff time will be provided at a charge based upon a schedule maintained by the Controller.
- Records that require more than a nominal amount of staff time for identification and location will be provided for inspection or copying at the Port's actual cost for staff time, in addition to any copying and delivery charges. The Controller will determine the rate at which staff time is charged

based on the hourly wage, fringe benefits and allocated overhead of the employee involved.

- Records that require substantial attorney time for segregation of exempt from nonexempt material will be provided for inspection or copying at the Port's actual cost for attorney time, in addition to any copying and delivery charges. The Controller will determine the rate at which attorney time is charged based on the hourly wage, fringe benefits and allocated overhead of the attorney involved.
- Copies of photographs will be provided at a rate reasonably calculated by the Marketing Communications Division to reimburse the Port for the actual cost to make copies of the photographs available.
- A single copy of a record produced by the Port for general distribution (e.g., annual budgets, brochures) will be provided at no charge if pre-printed copies are available, and will be provided at the applicable rate set forth above if pre-printed copies are not available.
- Multiple copies of documents produced by the Port for general distribution will be provided at the Port's actual cost as determined by the Controller.

The above charges may be waived or reduced by the Records Program Manager if the waiver or reduction would be in the public interest because making the record available primarily benefits the general public. The Records Program Manager will confer with the Media and Government Relations Division with respect to requests for waivers or reductions from members of the news media.

If it appears that the costs of providing copies will be substantial, the Port may estimate the costs in advance and require the person making the request to pre-pay the estimated costs. If the actual costs are less than the pre-payment, the Port will refund excess.

Inspection and copying of a public record shall be during regular business hours at the Port office where the record is located, or another Port facility designated by the Port. Port records shall not leave Port premises for purposes of public record disclosure without the prior written consent of the Records Program Manager. The Port may directly supervise the inspection or copying of Port records, may list records inspected or copied by or at the request of a requestor, and may contemporaneously copy for the Port's own purposes records inspected or copied by or at the request of the requestor. The Port may provide a copy of a record in lieu of the original to protect the original record. The Port may provide a redacted copy in lieu of an original record in order to delete exempt material.