



LANE TRANSIT DISTRICT

INFORMATION MANAGEMENT POLICY

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ARTICLE 1 PURPOSE

Section 1.1 *Purpose.* This policy establishes the Lane Transit District (“LTD” or “District”) Information Management Policy and assigns the responsibilities for carrying out records management requirements of the Oregon Revised Statutes (“ORS”), Oregon Administrative Rules (“OAR”), Oregon Public Records Law, Department of Justice (“DOJ”), Department of Defense (“DoD”), and the Federal Transit Administration (“FTA”), as well as general records management, public records, data management, cyber security, and disaster preparedness at LTD.

This policy provides an overall, high-level direction at the departmental and staff level for implementation and ongoing operation of an effective Information Management Policy while allowing flexibility for establishment and implementation of procedures and processes to meet the specific needs of the District.

Information management requirements outlined in this policy are designed to consistently manage information documenting key District decisions and events. Recordkeeping requirements will prevent loss of institutional knowledge by directing LTD staff to consider the effects of decisions and actions on each stage of the records lifecycle.

The accuracy and consistency of how this information is identified, captured, stored, and retrieved provides the cornerstone to the effective functioning and transparent operation of the District, and will facilitate access to information by LTD staff, stakeholders, and the public.

This policy applies to all District departments.

This policy does not supersede any other applicable law in place as of the effective date of this policy.

Under ORS 162.305, it is a crime to knowingly destroy, conceal, remove, or falsely alter a public record. Tampering with public record is a Class A misdemeanor. The maximum penalty for a Class A misdemeanor is one year imprisonment and/or a fine of up to \$6,250.00.

Compliance with this policy is mandatory.

ARTICLE 2 ACCOUNTABILITY AND TRANSPARENCY

Section 2.1 *Education and training.* The District requires that basic public records education be completed as a component of the District’s new employee orientation training and incorporated as part of regular employee training to be completed once a biennium. The District will utilize appropriate means to provide public records training to its employees.

Section 2.2 *Access and ownership.* Regardless of how the District’s public records are stored, the District has custody and control over its public records. Through an on-going review of technological advances, the District will ensure that all public records are maintained and accessible for as long as required by retention schedules or litigation holds. The District shall migrate public records to keep current with technology and to ensure continuing accessibility.

Section 2.3 *Integrity of records.* The District will ensure that appropriate access and version controls are applied to all electronically stored records from record creation to final disposition. The authenticity of each record may be demonstrated either by certified copy of paper records or by accompanying metadata for all electronic records.

ARTICLE 3 PUBLIC RECORDS

Section 3.1 *Public Records Defined.* The term “Public record” or “record” has the meaning established in ORS 192.005(5)(a), and in general means any information that is:

1. Prepared, owned, used, or retained by the District; and
2. Relates to an activity, transaction, or function of the District; and
3. Is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements, or needs of the District.

The following applies to the definition of public record:

1. A public record may exist in any format, including in paper or electronic form, and email.
2. Extra copies of a record, preserved only for convenience of reference, is not a public record (also referred to as a “nonrecord”).
3. A message on voicemail or on other telephone message storage and retrieval systems is not a public record (also referred to as a “nonrecord”).
4. Public records do not include advertising material received by the District; general announcements issued by other agencies; or other recorded materials that are fleeting in nature and do not involve an activity carried out by the District (also referred to as a “nonrecord”).
5. Text messages and instant messages may constitute public records as discussed below.
6. Social media posts are considered public records if:
 - a. Posts are made on an official District account, or on a private account that is being used to distribute information for the District to the public. Not included are private accounts of employees that are not used as part of their job. If a private account is used to conduct District business then it becomes public and is subject to the Oregon Public Records Law.
and,
 - b. The content being posted is unique. The District does not need to preserve redundant content in all of its forms. For example, if the same event announcement is put out via both a press release and a social media post only one copy must be kept. However, if the content of the two versions differs significantly they should be considered unique records and both be retained.

Section 3.2 Records Lifecycle.

Creation. Records may be information created or received by a user. Properly distinguishing records from nonrecords in the beginning of the lifecycle decreases the volume of records to be manipulated, controlled, stored, and disposed of. A proper creation process enhances the usability and value of records throughout the lifecycle.

Disposition. Disposition refers to the end of the record’s life. After records have fulfilled their retention periods pursuant to OAR Chapter 166-150 they are destroyed or deleted, while permanent records are retained within the Oregon Records Management System (“ORMS”). Records considered to be historical records, are transferred to the legal custody of the State Archives.

Disposition of records should occur on a systematic and routine basis. No disposition action should take place without the assurance that the record is no longer required and that no litigation, investigation, or other matter is current or pending that would involve relying on the record as evidence.

Section 3.3 Retention and Disposition.

Retention Generally. The District will preserve, classify, and dispose of its public records in accordance with OAR Chapter 166-150 without regard to the technology or medium used to create or communicate the record. The District will work with the State Archives Division to establish retention practices to ensure compliance with OAR Chapter 166.

Cloud Computing. The District's practices and procedures with respect to public records management in the Cloud will ensure compliance with District policies and procedures and OAR Chapter 166.

Drafts. Preliminary or incomplete working drafts are public records subject to disclosure, and they are judged by the same standards as completed "internal advisory communications."

Disposition and Destruction of Public Records. The retention and destruction of public records is governed by the state of Oregon's OAR's. OAR 166-030-0060 "Public Records Disposition and Destruction" and the District's records retention schedules specify how long District records shall be retained before they are destroyed.

The District will dispose of and/or destroy public records in accordance with the requirements of the District's records retention schedules and OAR Chapter 166.

In accordance with ORS 357.855, the District will consult with the State Archivist for advice and assistance in determining the disposition of any types of records not addressed in the District's General or Special Retention Schedules and the reconciliation of any unforeseen issues regarding public records.

Pursuant to OAR 166-030-0027, the District will review and update its records retention schedules, which are approved by the State Archivist every five years. The retention schedule and the Secretary of State's administrative rules require the District to destroy records past their retention date. All of the District's records are subject to this retention schedule.

Storage and Retrieval. District historical records will be transferred to the Oregon State Archivist storage facility permanently. Retrieval of records is subject to the policies of the State Archivist.

Paper Records. The District will maintain a filing system of the District's paper records based on its records retention schedules. The filing system will include the location of the records, retention periods, and procedures for retrieval to ensure accessibility of District records.

Electronic Records. The District will maintain a filing system and naming conventions for all District records stored in electronic format based on the District's records retention schedules. The filing system and naming conventions will include the location of records in District directories, retention periods, access controls, and privacy conditions to support management of the District's inventory of electronic records.

The District will work with the State Archivist to ensure that the retention periods for all records have been met before any data is destroyed and prior to deleting any large electronic records system.

ARTICLE 4 RECORDS MANAGEMENT

Section 4.1 Records Management Defined. The Records Management Program promotes standard processes, procedures, practices and guidelines that ensure the proper handling of District records in accordance with ORSs, OARs, Oregon Public Records Law, DOJ, DoD, and the FTA. Adherence to this policy will ensure that all District records are maintained in accordance with all relevant laws, regulatory requirements, and standard business practices.

Section 4.2 Electronic Records. All District electronic records will be maintained in accordance with OAR 166-017. As the District adopts new electronic technologies, special attention must be paid to ensure that records management requirements and principles are incorporated within those systems.

Authorized recordkeeping systems will meet requirements established by the DoD.

The District will integrate records management and preservation considerations into the design, development, enhancement, operation, and decommissioning of electronic information systems, to include, but not limited to, the following requirements:

1. protecting against unauthorized addition, deletion, alteration, use, and concealment throughout the records management lifecycle;
2. ensuring that records can be located, retrieved, presented, accessed, and interpreted by all authorized personnel; and,
3. identifying the organizational, functional, and operational function of the record.

Oregon Records Management System (ORMS). The Office of the Oregon State Archivist administers an electronic records management software system – known as TRIM or Efiles – that meets reliability and authenticity standards, and applies retention requirements, security settings, access controls, structured context and enterprise-wide searchability to appropriate records and e-mails within it.

The District has elected to utilize this state records management system to maintain all electronic records in accordance with ORS 192, OAR 166, and Oregon State Public Record Law.

Implementation of the system is preceded by user training in public records responsibilities, basic records and e-mail management principles, electronic filing system guidelines and instruction on integrating the system with District business practices.

Section 4.3 Paper Records. The District's physical records will be maintained in accordance with OAR 166-020. When relevant District permanent and historical records will be transferred to the State Archivists' office in accordance with OAR 166-010, the District's physical records will be destroyed in accordance with OAR 166-150 and OAR 166-030-0060.

Section 4.4 Disaster Preparedness & Recovery. The District's disaster preparedness processes are addressed in the District's Disaster Preparedness and Recovery Plan and are incorporated herein by this reference.

Section 4.5 Data Management. The District's data management processes are addressed in the District's Data Management Policy and are incorporated herein by this reference.

Section 4.6 Cyber Security. The District's cyber security processes are addressed in the District's Cyber Security Policy and are incorporated herein by this reference.

ARTICLE 5 PUBLIC RECORDS REQUESTS

Section 5.1 Public Records Requests. Under ORS 192.314, every person has a right to inspect any non-exempt public record of a public body in Oregon. The District is a public body subject to the requirements of the Oregon Public Records Law, ORS 192.311 to 192.338. In accordance with ORS 192.324 the District sets forth procedures and fees that the District will charge for completion of a public records request. For purposes of responding to requests for District public records, the District will disclose its public records, or protect them from disclosure, in accordance with the Oregon Public Records Law, ORS Chapter 192, this policy, and District internal operating procedures.

The District will respond to all requests for public records as timely as possible, consistent with the proper exercise of judgment relating to the District's other duties.

Additional policies and procedures related to request for public records such as intake, processing, disclosure, and determinations related to fees and charges are the subject of separate District rules, policies, and procedures.

Section 5.2 Public Records Officer. As the Public Records Officer of the District, the District designates the Clerk of the Board who works with the executive office, his or her designee, or another individual that the District Board may designate. The Public Records Officer has primary responsibility for processing public records requests. All requests for public records are to be directed to the Public Records Officer.

The District may consult with the Secretary of State's Office before responding to requests.

Section 5.3 *Making a Public Records Request.* A request for public records that are in the custody of LTD may be made by submitting a written request to the Public Records Officer. Public records requests may be submitted in person, by mail, by fax, or by e-mail. The request form is available online at www.ltd.org, or at the Administration Office at 3500 E. 17th Avenue, Eugene (in Glenwood).

Mailing Address:
Public Records Officer
P.O. Box 7070
Springfield, OR 97475

Physical Address:
Public Records Officer
3500 E. 17th Avenue
Eugene, OR 97403

Other Contact Information:
recordsrequest@ltd.org
Phone: 541-682-6100
Fax: 541-682-6111
www.ltd.org

All written requests must be submitted on LTD's Public Records Request Form, which is attached as **Exhibit 1.A**. The Public Records Request Form must be fully completed and must include the following information from the requester:

1. Name
2. Mailing address
3. E-mail address
4. Telephone number
5. A sufficiently detailed description of the record(s) requested to allow LTD to search for and identify responsive records.
6. The Public Records Request Form must be signed and dated by the requester.

LTD may request additional information or clarification from the requester for the purpose of expediting LTD's response to the request.

If the requester is a party to a judicial proceeding to which LTD is a party, or has filed a notice under ORS 30.275, and asks to inspect or receive a copy of a public record that the requester knows relates to the proceeding or notice, the requester must submit the request in writing to the Public Records Officer and, at the same time, the attorney for LTD.

Section 5.4 *Procedure for Inspecting Records at LTD.* A requester must complete the Public Records Request Form, as set forth in Section 5.3 of this policy. A requester requesting to inspect records at LTD shall also call the Public Records Officer and indicate the number of people seeking to inspect the requested record(s) so that a conference room may be reserved. Once LTD has received and reviewed the request, the requester will be contacted when the records are ready for the requester's review. Fees will be charged in accordance with Section 5.6, below.

A space will be provided to the requester for reviewing the public record(s). There will be an hourly charge for a staff person's time to supervise the requester's inspection of records. This fee must be paid in advance. Any pages to be copied should be marked by the requester with a post-it note, which LTD will provide.

When the requester has completed his/her review, the requester shall return the record(s) in the same order and condition as provided. The requester will be contacted when copies are available for pick-up. As set forth in Section 5.6, pre-payment of fees will be required.

Section 5.5 *Requests for Information.* It is important to distinguish between a request for information and a public records request. As articulated in the Attorney General's Public Records and Meetings Manual, the Oregon Public Records Law does not impose on public bodies the duty to create new public records. Nor does the law require public bodies to disclose the reasoning behind their actions; answer questions about their records; analyze their records; or perform legal research in order to identify records that are responsive to request.

LTD shall not create any new documents or customize any existing documents in response to a public records request. However, LTD may prepare and release a condensation from a record as permitted under ORS 192.360.

Section 5.6 Fee Schedule for Public Records Requests.

Calculation of Fees. ORS 192.324 allows LTD to establish fees reasonably calculated to reimburse LTD for its cost of making public records available. LTD calculates fees for responses to public records requests as set forth below and in the Fee Schedule, which is attached as **Exhibit 1.B**. The Fee Schedule may be updated, as appropriate, by the LTD Board of Directors.

The District shall waive 30 minutes of staff time for all Public Records Requests after which fees may be assessed for additional staff time, applicable services and supplies required to fulfill a Public Records Request in accordance with the applicable fee-schedule below.

The hourly rate charged for additional staff time will be based on the level of skill or expertise required to complete the work performed. Meaning, if work done to fulfill a request requires clerical-level skills, the District may only charge the clerical hourly rate time spent on that portion of the work (as a maximum), even if a managerial-level or professional-level employee actually fulfills the request on behalf of the agency.

The District will not charge for staff time spent witnessing records inspection when the estimated cost of making public records available for inspection is:

1. less than the cost of providing the requestor with a copy of the public record; or,
2. insignificant (requested public records are readily accessible and do not require review, redaction, or segregation).

Fees will be charged for staff time required to redact exempt information from requested public records prior to release.

Attorney Fees. LTD may charge for attorney fees for the cost of time spent by an attorney in reviewing the public records, redacting material from the public records, or segregating the public records into exempt and nonexempt records.

Pre-payment of Fees and Cost Estimates. Payment of fees is required before LTD provides the requested record(s).

For cost estimates less than \$25.00, LTD will not provide an estimate of fees in advance. Cost estimates that exceed \$25.00 will be provided to the requester, and LTD requires pre-payment of one-half of the estimated fee before taking further action on the request. Payment of the remaining fees is required before LTD provides the requested record(s).

If the actual charges are less than the prepayment, any overpayment will be refunded in a timely manner.

ADA Format. No additional fees will be charged for providing a record in an alternate format in accordance with the Americans with Disabilities Act.

Fee Waivers or Reductions. Pursuant to ORS 192.324(5), LTD may reduce or waive fees if it determines that doing so is in “the public interest because making the record available primarily benefits the general public.” Release of public records are “in the public interest” when it affects the community or society as a whole, in contrast to a concern or interest of a private individual or entity.

The decision to waive or reduce fees is within the discretion of the Public Records Officer. Requests for a fee waiver or reduction must be evaluated on a case-by-case basis by the Public Records Officer, based on the following factors:

1. financial hardship on the District;

2. the extent of time and expense and interference with the business of the District;
3. the volume of the records requested;
4. the necessity to segregate exempt from nonexempt materials; and,
5. the extent to which an inspection of the records is insufficient for the public interest or for the particular needs of the requester.

The fee waiver/reduction request form is attached as **Exhibit 1.C**. The fee waiver/reduction request evaluation form is attached as **Exhibit 1.D**.

Transit Union. Requests from an authorized Amalgamated Transit Union Local 757 representative for a limited number of easily available documents will not be charged. All other requests will be charged in accordance with Section 5.6 *Calculation of fees*, above.

Non-Payment. Pursuant to ORS 192.329(3)(b) “If the requester fails to pay the fee within 60 days of the date on which the public body informed the requester of the fee, or fails to pay the fee within 60 days of the date on which the public body informed the requester of the denial of the fee waiver, the public body shall close the request.”

Section 5.7 LTD Response to Public Records Request.

Acknowledgment of Request. Pursuant to 192.324(2), within five (5) business days after the Public Records Officer receives a written request for public records, LTD will acknowledge receipt of the request or complete the request. As used herein, “business day” means a day other than Saturday, Sunday, or a legal holiday, and on which at least one paid employee of LTD that received the public records request is scheduled to and does come in to work.

LTD’s acknowledgment of receipt of a written request for public records will:

- confirm that LTD is the custodian of the requested record;
- inform the requester that LTD is not the custodian of the requested record; or,
- notify the requester that LTD is uncertain whether LTD is the custodian of the requested record.

Time for Response. LTD will complete its response to a written public records request that is received by the Public Records Officer as soon as reasonably possible but not later than ten (10) days after the date by which LTD is required to acknowledge receipt of the request. Set forth in Section 5.7 *Acknowledgement of Request*, LTD will:

- complete its response to the public records request, in accordance with Section IV(C); or,
- provide a written statement that LTD is still processing the request, and a reasonable estimated date by which LTD expects to complete its response based on information currently available.

The time periods set forth herein do not apply to LTD if compliance would be impracticable because:

- the staff or volunteers necessary to complete a response to the public records request are unavailable;
- compliance would demonstrably impede LTD’s ability to perform other necessary services; or,
- of the volume of public records requests being simultaneously processed by LTD.

For purposes of this Section, staff members or volunteers who are on leave or are not scheduled to work are considered to be unavailable.

Notwithstanding any other provision herein, LTD will, as soon as practicable and without unreasonable delay, acknowledge a public records request and complete the response to the request.

Response to Request. LTD's response to a public records request is complete when LTD:

- provides access to or copies of all requested records within the possession or custody of LTD that are not exempt from disclosure, or explains where the records are already publicly available;
- asserts any exemptions from disclosure that LTD believes apply to any requested records. If LTD cites ORS 192.355 (8) or (9), LTD will identify the state or federal law that LTD relied on in asserting the exemptions;
- complies with ORS 192.338 regarding separating exempt and nonexempt material for examination;
- to the extent that LTD is not the custodian of records that have been requested, provides a statement to that effect;
- to the extent that state or federal law prohibits LTD from acknowledging whether any requested record exists or that acknowledging whether a requested record would result in the loss of federal benefits or imposition of another sanction, provides a written statement to that effect, citing the state or federal law that LTD relies on, unless the written statement itself would violate state or federal law; and
- if LTD asserts that one or more requested records are exempt from public disclosure, includes a statement that the requester may seek review of LTD's determination pursuant to ORS 192.411, 192.415, 192.418, 192.422, 192.427, and 192.431.

Non-Responsive Requester. Pursuant to ORS 192.329(4)(b) "If the requester fails to respond within 60 days to a good faith request from the public body for information or clarification, the public body shall close the request."

Disclosure Exemptions. In accordance with ORS 192.338 records that contain exempt and non-exempt information may be redacted. In accordance with ORS 192.345 and 192.355 some records are exempt from disclosure.

Section 5.8 Review of Denials of Public Records. Pursuant to ORS 192.415, the following applies to the review of denials of public records:

Denial. Within five (5) business days of LTD's issuance of a denial or partial denial of the requester's public records request, the requester may petition the Public Records Officer in writing for a review of that decision. The petition must clearly identify the reasons the requester disagrees with LTD's denial. The Public Records Officer will provide the petition and any other relevant information to the general manager, or his/her designee. The general manager, or his/her designee, will promptly consider the petition and either affirm or reverse the denial. The Petition form is attached as **Exhibit 1.E**

Appeal. If a public records request is denied, the person making the request may appeal the denial to the Lane County District Attorney's Office. If the Lane County District Attorney determines that disclosure is appropriate, LTD can disclose the records or challenge the District Attorney's decision in court.



PUBLIC RECORDS REQUEST FORM

Section A -Requester Information

Form with fields: NAME OF REQUESTING INDIVIDUAL, TITLE, PHONE, FAX, E-MAIL, FIRM OR TRADE NAME, MAILING ADDRESS, CITY, STATE, ZIP

Section B -Records(s) Requested

Describe the record you are requesting. Please be as specific as possible and include enough detail to assist District staff in locating the record(s). For multiple records, attach additional pages.

DESCRIPTION OF RECORDS REQUESTED

Large empty box for description of records requested

Section C -Format of Records(s)

Please specify the preferred format of record(s). Not all options are available within the departments.

- Input boxes for Paper copy, Electronic Media, Visual Inspection Only

Section D - Fee Waiver/Reduction Request

- Input boxes for Fee Waiver, Fee Reduction

Please explain how making these records available primarily benefits the general public:

Large empty box for explanation of public benefit

Form with fields: SIGNATURE OF REQUESTING INDIVIDUAL, DATE

District Staff Use Only

Date request received. _____ by _____

Estimate status

An estimate of \$ _____ was provided on _____ by _____

Request Status

- Input boxes for Authorization to Proceed, Request Withdrawn, Information provided and request completed, Information not provided - law excludes information requested

Payment Status

Amount received \$ _____ Input boxes for Cash, Check, Other



HOW TO REQUEST A PUBLIC RECORD

1. Requester submits completed Public Record Request (Page of 1 this form) to the appropriate address below. Please try to be specific about the public record(s) you are seeking.

Mailing Address:
Public Records Officer
P.O. Box 7070
Springfield, OR 97475

Physical Address:
Public Records Officer
3500 E. 17th Avenue
Eugene, OR 97403

Other Contact Information:
recordsrequest@ltd.org
Phone: 541-682-6100
Fax: 541-682-6111
www.ltd.org

2. Pursuant to 192.324(2), within five (5) business days after the Public Records Officer receives a written request for public records, LTD will acknowledge receipt of the request or complete the request. LTD's acknowledgment of receipt of a written request for public records will inform you that:

- Your request is under review; you will receive a response regarding LTD's possession of the requested records and any relevant time/cost estimate within ten (10) business days of this acknowledgment of receipt of your public records request.
- Copies of all requested public records for which LTD does not claim an exemption from disclosure under ORS 192.3400 to 192.355 are enclosed.
- LTD [does not possess/is not the custodian of] the requested record[s].
- LTD is uncertain whether we possess the requested record[s]. We will search for the record and make an appropriate response as soon as practicable.
- LTD is the custodian of at least some of the requested public records. We estimate that it will require [estimated time] before the public records may be inspected or copies of the records will be provided. We estimate that the fee for making the records available is \$[value], which you must pay as a condition of receiving the records.
- LTD is the custodian of at least some of the requested public records. We will provide an estimate of the time and fees for disclosure of the public records within a reasonable time.
- [State/federal] law prohibits LTD from acknowledging whether the requested record[s] exist[s].
- LTD is unable to acknowledge whether the requested record[s] exist[s] because that acknowledgement would result in [the loss of federal benefits/other sanction].

3. LTD will complete its response to a written public records request that is received by the Public Records Officer as soon as reasonably possible but not later than ten (10) days after the date by which LTD has acknowledged receipt of the request. In the time frame, LTD will:

- Complete its response to the public records request, in accordance with Section IV(C); or,
- Provide a written statement that LTD is still processing the request, and a reasonable estimated date by which LTD expects to complete its response based on information currently available.

The time periods do not apply to LTD if compliance would be impracticable because:

- The staff or volunteers necessary to complete a response to the public records request are unavailable;
- Compliance would demonstrably impede LTD's ability to perform other necessary services; or,
- Of the volume of public records requests being simultaneously processed by LTD.

4. ORS 192.440(4) authorizes LTD to establish fees associated with public records requests. Fees charged for the provision of requested public records shall be based on the actual costs to be incurred by LTD for processing public records requests, including, but not limited to, staff time costs and costs associated with materials used in processing the requests.



LTD shall waive 30 minutes of staff time for all public records requests after which fees may be assessed for additional staff time, applicable services and supplies required to fulfill a Public Records Request in accordance with the applicable fee-schedule below.

If the estimated cost exceeds \$25, LTD must provide an estimate to the requestor and stop any work on the request until payment is received in the estimated amount. If the requestor chooses to pay the estimated amount, work will be done in a reasonable amount of time. If the time and resources spent on the request are less than the paid amount, a refund will be provided. If the time and resources spent on the request exceed the estimated amount, the documents will be provided upon receipt of balance due.

Fees will be charged for staff time required to redact exempt information from requested public records prior to release. Fees for staff time required to fulfill a Public Records Request shall not exceed:

Standard Fee-Schedule

- \$25/hour for Clerical (administrative, office specialists, other support staff)
- \$40/hour for Managerial (Program managers, PIOs)
- \$75/hour for Professional (IT, HR, High-level Analyst)
- DOJ, special attorney and other applicable legal fees: at the actual hourly rate charged for Public Records Request-related services. Fees are subject to statutory limitations described in ORS 192.440(4)(b)

Reduced Fee-Schedule

- \$20/hour for Clerical (administrative, office specialists, other support staff)
- \$32/hour for Managerial (Program managers, PIOs)
- \$60/hour for Professional (IT, HR, High-level Analyst)
- \$75/hour for DOJ, special attorney and other applicable legal fees.

Additional Cost Considerations: No additional cost considerations will be included in the invoiced amount passed on to the requester under this reduced fee structure.

Copy Charges: Costs for copies of public records shall be charged to the requestor as follows:

1. Standard Copies
 - a. Black & White: \$.05 per page
 - b. Color: \$0.12 per page
 - c. Oversized documents (larger than 11" x 17"): Actual cost
2. Tapes, DVDs, CDs
 - a. CDs and DVDs: \$3.00 (plus staff time) *(If video must be reviewed for confidentiality, an additional research charge may be incurred for this review.)*
 - b. Audio Tape - \$8.00 (plus staff time) *(If audio must be reviewed for confidentiality, an additional research charge may be incurred for this review.)*
3. Miscellaneous
 - a. Postage: Actual postage cost
 - b. Certifying Copy of Public Record - \$5.00

Attorney Fees: LTD may charge for attorney fees for the cost of time spent by an attorney in reviewing the public records, redacting material from the public records, or segregating the public records into exempt and nonexempt records.



Lane Transit District Public Record Request Fee Schedule

ORS 192.440(4) authorizes LTD to establish fees associated with public records requests. Fees charged for the provision of requested public records shall be based on the actual costs to be incurred by LTD for processing public records requests, including, but not limited to, staff time costs and costs associated with materials used in processing the requests.

LTD shall waive 30 minutes of staff time for all public records requests after which fees may be assessed for additional staff time, applicable services and supplies required to fulfill a Public Records Request in accordance with the applicable fee-schedule below.

The hourly rate charged for additional staff time will be based on the level of skill or expertise required to complete the work performed. Meaning, if work done to fulfill a request requires clerical level skills, agencies may only charge the clerical hourly rate time spent on that portion of the work (as a maximum), even if a managerial-level or professional-level employee actually fulfills the request on behalf of the agency.

LTD will not charge for staff time spent witnessing records inspection when the estimated cost of making public records available for inspection is:

- less than the cost of providing the requestor with a copy of the public record; or
- insignificant (requested public records are readily accessible and do not require review, redaction or segregation).

Fees will be charged for staff time required to redact exempt information from requested public records prior to release.

Fees for staff time required to fulfill a Public Records Request shall not exceed:

Standard Fee-Schedule

- \$25/hour for Clerical (administrative, office specialists, other support staff)
- \$40/hour for Managerial (Program Managers, Public Information Officers)
- \$75/hour for Professional (IT, HR, High-level Analyst)
- DOJ, special attorney and other applicable legal fees: at the actual hourly rate charged for Public Records Request-related services. Fees are subject to statutory limitations described in ORS 192.440(4)(b).

Reduced Fee-Schedule

- \$20/hour for Clerical (administrative, office specialists, other support staff)
- \$32/hour for Managerial (Program managers, PIOs)
- \$60/hour for Professional (IT, HR, High-level Analyst)
- \$75/hour for DOJ, special attorney and other applicable legal fees.

Additional Cost Considerations

No additional cost considerations will be included in the invoiced amount passed on to the requester under this reduced fee structure.

Copy Charges

Costs for copies of public records shall be charged to the requestor as follows:



1. Standard Copies
 - a. Black & White: \$.05 per page
 - b. Color: \$0.12 per page
 - c. Oversized documents (larger than 11" x 17"): Actual cost

2. Tapes, DVDs, CDs
 - a. CDs and DVDs: \$3.00 (plus staff time)
(If video must be reviewed for confidentiality, an additional research charge may be incurred for this review.)

 - b. Audio Tape - \$8.00 (plus staff time).
(If audio must be reviewed for confidentiality, an additional research charge may be incurred for this review.)

3. Miscellaneous
 - a. Postage: Actual postage cost
 - b. Certifying Copy of Public Record - \$5.00

Attorney Fees

LTD may charge for attorney fees for the cost of time spent by an attorney in reviewing the public records, redacting material from the public records, or segregating the public records into exempt and nonexempt records.



Public Interest Fee-Waiver or Reduction Request Form

HOW TO USE THIS FORM:

Lane Transit District (“District” or “LTD”) has fee waiver provisions for people including members of the news media, non-profit organizations and federal, state and local governments. The state public records law [ORS 192.324 (4) and (5)] says an agency may waive fees for information provided in response to public record requests if the fee reduction is in the public interest because making the record available primarily benefits the general public.

The fee waiver applies to District staff time only and does not apply to services provided by outside vendors. LTD will bill requesters using the reduced fee-schedule for any costs above the waived amount, if costs are not waived in full.

LTD may still charge for either record review or copying based on the following factors:

1. Any financial hardship on the District;
2. The extent of time, expense, and interference with the District’s regular business;
3. The volume of the records requested;
4. The necessity to segregate exempt from non-exempt materials; or
5. The extent to which the record request does not further the public interest or the particular needs of the requester.

LTD will, however, work with requesting parties to reduce costs by narrowing requests to only the information they really want. Arrangements may also be made to provide records review at an office location where the records are maintained rather than copying and emailing or mailing records.

LTD requires that a requesting party fill out this form completely.

Mail to: Public Records Officer, Lane Transit District, P.O. Box 7070, Springfield, OR 97475

Email to: recordsrequest@ltd.org

Fax to: 541-682-6111

Note:

Requests for fee-reduction or waiver will be evaluated on a case-by-case basis based on:

- The information provided by the requester; and
- The totality of circumstances at the time of the request.

Previous requests and evaluations will not be considered as part of the evaluation.



Public Interest Fee-Waiver or Reduction Request Form

LTD requires that a requesting party fill out this form completely.

Name of requesting party:		Date:
Representing (group/organization):		
Address:		
City:	State:	Zip-code:
Phone:	E-mail:	

PLEASE COMPLETE THE FOLLOWING QUESTIONS:

1. Specific documents requested:
2. General background/mission information regarding requesting individual/group/organization as this information relates to public record requests from LTD:
3. Purpose for which the requesting party intends to use the information/records requested:
4. Specific ability (and plans) of requesting party to disseminate the information to the general public:
5. Explain how dissemination of the records/information requested will benefit the general public:
6. Any other information that requesting party feels would be valuable in evaluating fee waiver/reduction request:



Public Interest Threshold Evaluation Form

HOW TO USE THIS FORM:

The District is statutorily required to consider and grant reasonable requests to waive and/or reduce fees associated with fulfilling a public records request when doing so is in the public interest because providing access primarily benefits the general public.

The Public Interest Threshold Evaluation provides agencies with standardized criteria to use when evaluating a request for a fee-reduction/waiver submitted by a public records requestor under ORS 192.324(5). The District shall consider each factor to determine whether the public interest in disclosure of the requested records warrants granting a fee-reduction/waiver.

All requests for a Public Interest Fee-Waiver or -Reduction will be evaluated on a case-by-case basis using information provided by the requestor as well as information independently available to the District.

ADDITIONAL GUIDANCE:

- To adequately balance the District's obligation to be transparent and accessible with the obligation to prudently safeguard public funds and resources, fee-waivers, and -reductions should be granted when the statutory standard has been met – when disclosure will primarily benefit the general public.
- A request to waive or reduce fees related to a public records request, that requires substantial District resources to complete, may be denied if the interest of the general public would be better served by preserving District resources.
- The public interest is not a fixed concept and the balance of public interest may change over time. It may shift as information becomes older or in the light of issues of the day. The circumstances at the time of the request will be considered.
- A genuine public interest in the subject matter of a request is required as the basis for granting a waiver. The public interest is not necessarily the same as what interests the public. The fact that a topic has been discussed in the media does not automatically mean that there is a public interest in disclosing the information that has been requested about it.
- This standardized fee-structure does not supersede, modify, or replace the existing legal responsibilities of the District. The District must continue to meet obligations required by applicable laws, policies, procedures, and standards including without limitation: State and Federal public records laws, privacy laws and regulations, and fees for certain public records as defined in statute.

Note:

Requests for fee-reduction or waiver will be evaluated on a case-by-case basis based on:

- The information provided by the requester; and,
- The totality of circumstances at the time of the request.

Previous requests and evaluations will not be considered as part of the evaluation.



Public Interest Threshold Evaluation Form

Name of Requestor: _____ Date of Request: _____

Requested Record(s): _____

PUBLIC INTEREST THRESHOLD CRITERIA

Public Interest Threshold Criteria Evaluation

The District shall consider the criteria below to determine whether waiving or reducing the costs associated with fulfilling a public records request would serve the public interest by primarily benefiting the general public.

Public Interest:

- | | | |
|---|---------------------------------|--------------------------------|
| 1. Would disclosure of the requested information, directly impact, affect, or serve an identified interest of the general public? | YES
<input type="checkbox"/> | NO
<input type="checkbox"/> |
| 2. Would the requested information, advance the welfare or well-being of the general public? | YES
<input type="checkbox"/> | NO
<input type="checkbox"/> |
| 3. Will the requester be able to actually, meaningfully disseminate the requested information? | YES
<input type="checkbox"/> | NO
<input type="checkbox"/> |

Private or Commercial Interest:

- | | | |
|--|---------------------------------|--------------------------------|
| 4. Is the public benefit greater than the individual benefit derived from disclosure? | YES
<input type="checkbox"/> | NO
<input type="checkbox"/> |
| 5. Is there a specifically identified purpose for which the public records are being sought that is wholly unrelated to 1) commercial purposes; or 2) actual or possible use in connection with administrative, judicial or legal proceedings? | YES
<input type="checkbox"/> | NO
<input type="checkbox"/> |

Reasonableness:

- | | | |
|--|---------------------------------|--------------------------------|
| 6. Is the request targeted at a specifically identified matter (meaning, not overly-broad or -complex)? | YES
<input type="checkbox"/> | NO
<input type="checkbox"/> |
| 7. Can the District grant a waiver or reduce fees without causing an unreasonable burden on District resources? | YES
<input type="checkbox"/> | NO
<input type="checkbox"/> |
| 8. Is the public interest served by disclosure greater than the burden to the District (amount of staff time diverted to fulfilling a request and costs of subsidization)? | YES
<input type="checkbox"/> | NO
<input type="checkbox"/> |

----- District Staff Use Only -----

Determination/Decision:

Employee Name (Print)

Signature

Date

A yes or no determination regarding a single criterion or for majority of the criteria does not guarantee the granting of a fee-reduction or waiver. Each request will be considered on a case-by-case basis, based on the information provided by the requester and the totality of the circumstances at the time of the request.



Public Interest Threshold Evaluation Form

Reduced Fee-Schedule

The District shall waive a minimum of 30 minutes of staff time for all public records requests after which fees may be assessed for additional staff time, applicable services and supplies required to fulfill a Public Records Request in accordance with the applicable fee-schedule below.

The hourly rate charged for additional staff time will be based on the level of skill or expertise required to complete the work performed. Meaning, if work done to fulfill a request requires clerical-level skills, agencies may only charge the clerical hourly rate time spent on that portion of the work (as a maximum), even if a managerial-level or professional-level employee actually fulfills the request on behalf of the District.

The District will not charge for staff time spent witnessing records inspection when the estimated cost of making public records available for inspection is:

- less than the cost of providing the requestor with a copy of the public record; or
- insignificant (requested public records are readily accessible and do not require review, redaction or segregation).

Fees will be charged for staff time required to redact exempt information from requested public records prior to release.

Staff time

Fees for staff time required to fulfill a PRR shall not exceed:

- **\$20/hour for Clerical** (administrative, office specialists, other support staff)
- **\$32/hour for Managerial** (Program managers, PIOs)
- **\$60/hour for Professional** (IT, HR, High-level Analyst)
- **\$75/hour for special attorney and other applicable legal fees.**

Production of Responsive Records

Fees generated by providing paper or electronic copies to requesters:

Copies:

- Black & White: \$.05 per page
- Color: \$0.12 per page
- Oversized documents (larger than 11" x 17"): Actual cost

Media:

- Tapes, DVDs, CDs
- CDs and DVDs: \$3.00 (plus staff time)
(If video must be reviewed for confidentiality, an additional research charge may be incurred for this review.)
- Audio Tape - \$8.00 (plus staff time).
(If audio must be reviewed for confidentiality, an additional research charge may be incurred for this review.)

Miscellaneous

- **Postage:** Based on current postal rates.
- **Certifying Copy of Public Record - \$5.00**

Additional Cost Considerations

No additional cost considerations will be included in the invoiced amount passed on to the requester under this reduced fee structure.



Public Records Request Denial Petition Form

Date: _____

I (we), _____(name(s)), the undersigned, request Lane Transit District and its employees to make available for inspection or produce a copy or copies of the following records:

I (we) asked to inspect and/or copy these records on _____ (date) at
_____ (address).

The request was denied by the following person(s):

1. _____
(Name of public officer or employee; title or position, if known)

2. _____
(Name of public officer or employee; title or position, if known)

The request was denied for the following reason(s):

Signature(s):



RESOLUTION NO. 2020-02-19-009

ADOPTION OF A DISTRICT-WIDE INFORMATION MANAGEMENT POLICY

WHEREAS, pursuant to OAR Chapter 166 the State Archives recommends the use of development and implementation of written policies that set forth the agency's use, access, retention and ownership of public records all agencies, including local governments; and

WHEREAS, under Oregon Public Records Law, every person has a right to inspect nonexempt public records of Lane Transit District ("LTD"), subject to reasonable procedures and restrictions; and

WHEREAS, LTD recognizes and respects the public's rights to public documents and the importance of maintaining orderly files to facilitate public access in an efficient and cost-effective manner; and

WHEREAS, ORS 192.440 (4) authorizes LTD to establish fees reasonably calculated to reimburse LTD for LTD's actual cost of making public records available, including costs for summarizing, compiling or tailoring the public records, either in organization or media, to meet the person's request; and

WHEREAS, LTD has amended its fee schedule to match that of the Oregon Department of Administrative Services; and

WHEREAS, LTD has developed an Information Management Policy to comply with all administrative rule and statutory requirements and recommendations.

NOW, THEREFORE, BE IT RESOLVED that the LTD Board of Directors passes a Resolution:

Adopting the Information Management Policy, which is attached hereto and is incorporated herein by this reference.

ADOPTED BY THE LANE TRANSIT DISTRICT ON THIS 19th DAY OF FEBRUARY, 2020.

02/19/2020
Date

Carl Yeh
Board President, Carl Yeh