

**COOS COUNTY RULES**  
**CHAPTER 3 – PUBLIC RECORDS**

**3.300 Policy Statement**

It is Coos County’s policy that the public has a right to inspect or copy any Public Record, except those records exempt from disclosure by law. The County shall endeavor to respond to Records Requests as soon as practicable and without unreasonable delay, subject to factors such as the need for clarification, the nature of the request, and the workload of the County Department.

**3.305 Purpose**

The purpose of these rules is to provide a procedure to the public and employees for the request and inspection of Public Records and the County’s response to the requests. These rules apply to all County Departments, except for special procedures in the following Departments:

- (1) Sheriff’s Office for law enforcement reports;
- (2) Public Health for protected health information;
- (3) Behavioral Health for protected health information;
- (4) District Attorney for all records.

**3.310 Definitions**

The following definitions are applicable to the terms set forth below when they appear capitalized in Chapter 3, Division 300, of the Coos County Rules.

“**Copy**” means a reproduction of a Public Record in the format available, including audio tapes, CDs, or photographic copies.

“**Employee**” means any person serving the County as an employee, officer, or agent, regardless of whether the person is compensated for such services.

“**Exempt Records**” means those records specified in ORS 192.501, ORS 192.502, or other law, which have been determined by County Counsel to be exempt from public inspection.

“**Fee**” means those costs ordered by the Board of Commissioners to reimburse the County for costs incurred in complying with a Records Request.

“**Fee Reduction or Waiver**” means the Board of Commissioners’ decision to reduce or waive a Fee because making the record available at a reduced or no cost primarily benefits the general public.

“**Litigation**” means any matter in which the County is a party to a lawsuit. The filing of litigation or a tort claim notice requires that a Records Request be presented or forwarded to Legal Counsel.

“**Public Record**” has the meaning set forth in ORS 192.410, but for purposes of these Rules a Public Record does not include those records for which the County is not the custodian.

“**Public Records Form**” means the County form provided to the public by the County for the public to request Public Records.

“**Records Custodian**” means the person in the County Department responsible for maintaining Public Records.

“**Records Request**” means a written or oral request for the inspection and/or copying of a Public Record.

### **3.315 Records Request Procedure**

- (1) Persons requesting Public Records must submit a completed Public Records Form to the appropriate Records Custodian. If multiple Departments possess the requested record, the requestor must submit one form for each Department. Requests should clearly identify the specific records requested, if possible.
- (2) If a request can be honored at the time the request is made, the Records Custodian may waive the requirement that the request must be in writing.
- (3) Fees and Deposits. Persons making Records Requests may be requested to pay a deposit in the amount of the estimated cost according to the Fee Schedule before the County responds to the Records Request, and shall pay any additional costs incurred by the County in responding to the request. If the deposit exceeds actual cost, then the excess shall be refunded. If a requestor failed to pay a Fee for a previous Records Request, the requestor shall pay the outstanding Fee and deposit the estimated Fee for the pending Records Request.
- (4) Fee Reduction or Waiver. A request for a Fee reduction or waiver must be submitted with the Request for Public Records Form. The request must include sufficient information and evidence to allow the County Board of Commissioners to determine whether a reduction or waiver of the Fee is in the public interest because making the record available would primarily benefit the public. A Department receiving a waiver request should forward the request to the Board of Commissioners as soon as possible. The Board shall decide whether to waive or reduce the Fee. The County is prohibited from reducing or waiving Fees from Departments receiving sole funding from statutorily or constitutionally dedicated funds.

### **3.316 Records Custodian**

Each County Department has designated a Records Custodian. The addresses of the Records Custodians are maintained at <http://www.co.coos.or.us> and may be obtained from the Board of Commissioner’s Office, Coos County Courthouse, 250 N. Baxter, Coquille, OR 97423. All written Records Requests must be sent to the Attention of the Records Custodian of each County Department.

### **3.317 County Response to Records Request**

- (1) If a request is satisfied immediately at the time the request is made, the requestor waives a written response from the Records Custodian.
- (2) The County will not create a record that does not already exist in response to a Records Request.
- (3) Once the Records Custodian receives a Request for Public Records Form, the Records Custodian will respond as soon as practicable and without unreasonable delay. The Records Custodian may request additional information or clarification from the requestor to expedite the Department’s response. The response will acknowledge the receipt of the request and state one or more of the following:
  - (a) The Department does not possess, or is not the custodian of the records requested;
  - (b) The Department has some or all of the records and provides an estimate of the time and fees to be charged;

- (c) The Department is uncertain whether it possesses the public records requested, and that it will search for them and make an appropriate response as soon as practicable;
- (d) Some or all of the records requested are exempt from disclosure under Oregon law. The Department must cite the law that it is relying upon; or,
- (e) State or federal laws prohibit acknowledging whether the record exists, or acknowledging whether the record exists would result in loss in federal benefits or other sanctions. The Department shall cite the law it is relying upon.

### **3.320 Security for Record Inspection**

- (1) Original records shall not be removed by any person from the Department.
- (2) An appropriate location within each office should be used for a record inspection that permits sufficient monitoring by the Records Custodian.
- (3) The public may not make any notes, comments or markings on a Public Record.
- (4) Any Department may, in its discretion and subject to the provisions of this Chapter, furnish a Copy of a record in lieu of inspection if it determines that it is necessary for the protection of the records or, the request interferes with Department duties.

### **3.325 Exempt Records Procedure**

- (1) Unless Legal Counsel and the Department have established that specific categories of records are exempt from disclosure, the Records Custodian shall forward all Records Requests that involve records fully or partially exempt from disclosure to Legal Counsel. The Records Custodian shall provide a Copy of the record and an explanation why the Custodian believes the record may be exempt.
- (2) Counsel will review the documents and direct the Records Custodian how to respond to the Records Request.

### **3.330 Litigation Request Procedure**

In addition to CR 3.315 to 3.317, the following steps are required for Record Requests that relate to Litigation:

- (1) Any person who makes a Records Request related to Litigation, must submit a Public Records Form to Legal Counsel pursuant to ORS 192.420.
- (2) Any Records Custodian who recognizes that a Public Records Form relates to Litigation must immediately notify Legal Counsel before providing any information. Legal Counsel will advise the Records Custodian regarding the appropriate response.