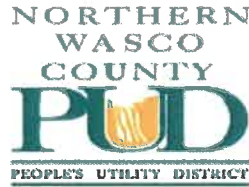


Policy Number:	
Policy Type:	
Policy Title:	
Effective Date:	



NORTHERN WASCO COUNTY P.U.D. **PUBLIC RECORDS REQUEST POLICY**

1.0 PURPOSE

1.1 This purpose of this policy is to define the Northern Wasco County P.U.D. Public Records Request Policy.

2.0 REFERENCE

2.1 Oregon Public Records Laws include ORS 192.311-192.478. Specifically, ORS 192.324(7) requires notification to the public of our policy and procedures for requesting public records.

3.0 POLICY

3.1 It is the policy of Northern Wasco County P.U.D. to make public records accessible to interested parties. Oregon Public Records Laws give the public the right to inspect and copy certain public records. The P.U.D. also recognizes that certain records are exempt from public disclosure or that disclosure may require balancing the right of the public to access the records against individual privacy rights, governmental interests, confidentiality issues and attorney/client privilege.

3.2 When Northern Wasco County P.U.D. receives a request to inspect or copy public records, costs are incurred by the P.U.D. in responding to that request, and that it is in the public interest that those costs be recovered.

4.0 PUBLIC RECORDS AND EXEMPTIONS

4.1 Per ORS 192.311(5), Northern Wasco County P.U.D.'s "Public Records" include any writing that contains information relating to the conduct of the P.U.D.'s business, regardless of physical form or characteristics. "Public records" does not include any writing that does not relate to the conduct of the P.U.D.'s business and that is contained on a privately-owned computer.

4.2 Per ORS 192.345 and 192.355, *exemptions and conditional exemptions include but are not limited to:*

4.2.1 Communication within the P.U.D. or between the P.U.D. and other public bodies if it is advisory or preliminary to any final action. If the communication covers purely factual materials, or if the public interest in frank communication

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- outweighs the public interest of disclosure then the records are exempt from disclosure.
- 4.2.2 Information, which would constitute an unreasonable invasion of privacy if publicly disclosed. Unless the public interest by clear and convincing evidence requires disclosure in the particular instance.
 - 4.2.3 P.U.D. employees' addresses, Social Security Numbers, birth dates, telephone numbers, and personal electronic mail addresses; does not apply to employees or volunteers if they are elected officials or that public interest requires disclosure in a particular instance.
 - 4.2.4 Information submitted to the P.U.D in confidence and not otherwise required by law to be submitted, where such information should reasonably be considered confidential, the P.U.D. has obliged itself in good faith not to disclose the information, and when the public interest would suffer by the disclosure.
 - 4.2.5 Records, reports and other information received or compiled by the Department of Consumer and Business Services to the extent that interests of lending institutions, their officers, employees and customers in preserving the confidentiality of such information outweighs the public interest in disclosure.
 - 4.2.6 Any public records or information the disclosure of which is prohibited by federal law. For example, public assistance and unemployment insurance records, and certain student records.
 - 4.2.7 Public records or information the disclosure of which is prohibited or restricted or otherwise made confidential or privileged under Oregon law.
 - 4.2.8 Workers' Compensation Claim Records that can be used to discriminate unlawfully against persons previously injured on the job who has filed a workers' compensation claim.
 - 4.2.9 Communications and information submitted by applicants for grants or economic development money.
 - 4.2.10 Sensitive business, commercial or financial information furnished to or developed by the P.U.D if the information is directly related to a transaction for production, supply or delivery of electricity, or if the information is directly related to a bid, proposal or negotiations for the sale or purchase of electricity or electricity services, and disclosure of the information would cause a competitive disadvantage for the public body or its retail electricity customers. This subsection does not apply to cost-of-service studies used in the development or review of generally applicable rate schedules.
 - 4.2.11 Personally identifiable information about the P.U.D.'s customers such as, but not limited to, names, birthdates, electronic mail addresses, and social security numbers.
 - 4.2.12 Security Programs Information about or approval of programs relating to the security of:
 - Generation, storage or conveyance of electricity
 - Telecommunication systems, including cellular, wireless or radio systems
 - 4.2.13 Records Pertaining to Litigation - Records in which the district is part of the complaint or which the district believes that it is likely to become part of the complaint. This exemption does not apply to litigation which has been concluded.
 - 4.2.14 Trade Secrets – the information must not be patented, it must only be known to a limited number of persons, and it must have the potential of driving economic value.
 - 4.2.15 Investigatory information compiled for criminal law purposes.
 - 4.2.16 Information related to real estate appraisals or acquisitions.

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- 4.2.17 Information related to Unfair Labor Practice investigations. The complaint itself is not exempt.
- 4.2.18 A personnel discipline action, or materials supporting the action.
- 4.2.19 Information concerning the location of archaeological sites.
- 4.2.20 Information developed pursuant to endangered species regulations.
- 4.2.21 Computer programs developed or purchased.
- 4.2.22 Information that would reveal or otherwise identify security measures that are taken to protect individuals, buildings or property, or information processing systems of the P.U.D.
- 4.2.23 Security Measures Records or information that would reveal the security measures taken or recommended to be taken to protect:
 - Generation, storage or conveyance of electricity
 - Telecommunication systems, including cellular, wireless or radio systems.
- 4.2.24 Email Addresses in the P.U.D.'s possession. This exemption does not apply to email addresses assigned by the P.U.D. to their employees.
- 4.2.25 Public records or information described in this section, furnished by the public body originally compiling, preparing or receiving them to any other public officer or public body in connection with performance of the duties of the recipient, if the considerations originally giving rise to the confidential or exempt nature of the public records or information remain applicable.
- 4.2.26 Except as authorized by ORS 408.425 (Inspection of discharge papers), records that certify or verify an individual's discharge or other separation from military service.
- 4.2.27 All other exemptions provided by Oregon law that a court of competent jurisdiction deems applicable to the P.U.D.
- 4.3 Separation of Exempt and Nonexempt Material - If any public record contains material which is not exempt under ORS 192.355, as well as material which is exempt from disclosure, the P.U.D. shall separate the exempt and nonexempt material and make the nonexempt material available for examination.

5.0 PROCEDURES

- 5.1 Making a Request: A request to inspect or obtain copies of a public record must be made in writing using the Public Records Request Form that is available in paper and electronic formats. This form is available on the P.U.D.'s website or in person at 2345 River Rd. Electronic versions can be emailed to PublicRecordRequest@nwascopud.org.
- 5.2 Processing a Public Records Request per ORS 192.324:
 - 5.2.1 Acknowledgment: within five business days of receipt of a public record request the P.U.D. shall send a written acknowledgement to the requestor, containing the following:
 - 5.2.1.1 Confirmation of whether the P.U.D. is the custodian of the requested record, if known: or
 - 5.2.1.2 A statement that no such records exist, that it may be subject to an exemption, or
 - 5.2.1.3 If the request is unclear, a request to clarify the records sought, and
 - 5.2.1.4 A cost estimate with a notice that a deposit for costs must be paid before the request will be processed.

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- 5.2.2 If it is not possible to provide a full cost estimate within the initial five-day period, the acknowledgment will indicate that a more accurate cost estimate will be provided when available.
- 5.2.3 If the request is denied based on an exemption, the P.U.D. will respond within 15 days with the exemption cited and how the exemption applies.
- 5.2.4 The P.U.D shall close the request if within 60 calendar days of date of the acknowledgment, the requestor fails to pay the required fee, request a fee waiver, or respond to the P.U.D.'s request for clarification.
- 5.3 Within 15 business days of receipt of the public records request, if the applicable fees have been paid or waived, and the requestor has responded to any request for clarification, the P.U.D. shall
 - 5.3.1 Complete its response to the request, or
 - 5.3.2 Provide a written statement that the District is still processing the request and a reasonable date by which the public body expects to complete its response.
- 5.4 If an inspection of public records is to occur, a designee of the P.U.D. shall always be present to supervise the inspection and to ensure that no documents are removed, destroyed, or otherwise tampered with. There may be additional costs associated with the inspection process that must be paid at the time of the inspection.
- 5.5 If a public records request or a fee waiver request is denied, the requestor may appeal the denial to the Wasco County District Attorney, pursuant to ORS 192.450 and 192.460.

6.0 FEES

- 6.1.1 The fees established are calculated to reimburse the P.U.D. for its actual costs in making the records available, and may include:
 - 6.1.2 Charges for the time spent by staff to compile the requested public records, to review the records in order to determine whether any requested records are exempt from disclosure, to segregate exempt records, to supervise the requestor's inspection of original documents, to copy records, to certify records as true copies and to send records by special or overnight methods such as express mail or overnight delivery.
 - 6.1.3 A per page charge for photocopies of requested records.
 - 6.1.4 A per item charge for providing CDs, audiotapes, or other electronic copies of requested records.
 - 6.1.5 Charges for preparation of a written transcript.

7.0 DOCUMENT REVISIONS

REVISED BY	TITLE	DATE	COMMENTS	REVISION #
Sue Powers	Sr. Financial Analyst	08/09/18	Creation	01

NORTHERN WASCO COUNTY P.U.D.
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8.0 DOCUMENT ANNUAL REVIEW

REVIEWED BY	TITLE	DUE DATE	COMMENTS	REVISION #

9.0 DOCUMENT APPROVAL

ADOPTED this 2nd day of OCTOBER, 2018~~6~~



President

ATTEST:



Secretary