

STATE COURT ADMINISTRATOR WRITTEN PROCEDURE

PUBLIC RECORDS REQUESTS TO THE OREGON JUDICIAL DEPARTMENT (OJD)

1. Application

A person or organization may inspect or request copies of public records held by the Oregon Judicial Department.

The Oregon Judicial Department will make records, except those exempt from disclosure, available for inspection or copying at cost.

The following policy applies to all requests to inspect or copy public records, except routine requests made in person

- **to court filer room staff and**
- **to inspect current case records that are not confidential or otherwise exempt from disclosure or for uncertified copies of a few pages from those records.**

2. How to Request Public Records

All other requests for public records must be in writing, signed by the person making the request, and mailed or presented in person to the state court or the administrative unit in the Office of the State Court Administrator that has custody of the record. Direct your request to "Public Records Administrator" at the appropriate office. The links below give the addresses for state courts and administrative offices. A PDF sample request form is available at each link site for use.

- For Supreme Court and Court of Appeals records, send to the Appellate Courts Records Section in the Office of the State Court Administrator
<http://www.ojd.state.or.us/osca/acs/records/index.htm>
- For Tax Court records, send to the Oregon Tax Court
<http://www.ojd.state.or.us/courts/tax/index.htm>
- For circuit court records, send to the particular circuit court; see this page for a directory: <http://www.ojd.state.or.us/courts/circuit/index.htm>
- For records in the Office of the State Court Administrator, send to that office
<http://www.ojd.state.or.us/osca/index.htm>

We do not accept requests by fax or email, with limited exceptions for requests from certain business or government customers that have established a business relationship with us.

We are not the custodian of records held by federal, municipal, justice, or tribal courts.

3. **When We Receive Your Request**

When we receive your request, the local public records administrator will determine whether the Judicial Department is the custodian of the requested record. This may require that we contact other divisions, units, or personnel in the Judicial Department or in other government offices. We will notify you whether we have all, some, or none of the requested documents.

- State law requires us to make available for inspection or to copy only those records that exist at the time of the request. If you want to inspect or obtain copies of records on a continuing basis, we may require you to make a new request for records created after the earlier request.
- State law does not require us to create new public records to respond to a request.
- State law does not require us to create new information using our computer programs or to create a new program to extract data in our computers in a manner you request.
- State law does not require us to develop or acquire new or additional software or programs to retrieve information you request.
- State law gives priority to our regular duties. It does not require us to provide records by a deadline you set. We process requests in the order we receive them. We try to respond promptly, but state law does not require us to interrupt our regular duties to respond to records requests. Staffing shortages and other circumstances or research requirements may delay a response. We will notify you that we have received your request and give you an estimated time if fulfilling your request will take longer than 20 business days.
- State and federal law require or allow us to keep some information and records confidential.
- State law allows us to take reasonable measures to protect our records. It also restricts who may remove court files from the office of the clerk or court administrator. We therefore require that we supervise inspection of our records for requestors who want to inspect records rather than have us copy them first. We charge for staff time to supervise inspection. For some types of records (e.g., digital recordings of court proceedings or documents with some information that is exempt from disclosure), we will make a copy available for inspection as needed to protect the original and to protect confidential information.

4. **Fees**

We will give you an estimate of costs if they will likely be more than \$25.00. We will not proceed further with the request until you confirm in writing that you want us to proceed and until you send payment in advance and the payment clears. We will refund any excess over actual costs. If we underestimated our costs, we will inform you as soon as

possible so you can determine whether you want us to continue working to respond to your request.

State law allows us to charge fees to recover our actual costs for locating and providing public records. For photocopies that we make of letter-size or legal-size pages, including normal and reasonable staff time to locate, separate, photocopy, and return documents to files and to prepare copies for mailing, we charge

- \$0.25 per page (a double-sided copy is two pages)

Normal and reasonable staff time is 10 minutes or less per request.

We may charge additional amounts for staff time and other actual costs when responding to requests that require additional services or more than the normal and reasonable time for routine requests, including:

- time we spend to locate, compile, and sort requested records, even if we find no records that respond to your request or the records we do find are exempt from disclosure
- time we spend to review requested records and redact any exempt material
- time we spend to copy requested records
- time we spend returning documents to files
- time we spend to supervise inspection by the requestor
- necessary research time
- time we spend preparing correspondence related to your request
- special copy services and mailing services for documents that are not of standard size or for voluminous requests

State law permits us to charge for certifying that a copy of a document is a true copy. If you request a certified copy, we charge

- \$1 per document for appellate court records and for the State Court Administrator's administrative records (ORS 21.020)
- \$5 per document for trial court records, including Tax Court records (ORS 21.325(1)(h); Chief Justice Order 02-067; see ORS 305.493.)

5. Required Information

To help us find records that respond to your request, your request must identify as specifically as possible the following:

- type of record(s)
- subject matter
- approximate dates(s) we created or received the record
- names of people named in the record or who created or received the record
- the number of copies you request for each record requested
- which copies, if any, you want us to certify

Your request must also include your

- name and signature
- address
- telephone number where we can reach you during business hours
- email address, if possible

If your request is not specific enough for us to easily identify and locate the records you want or is very broad (and therefore costly), we may call or write you for more information or clarification so that we can keep your cost and our cost reasonable.

6. **Fee Waiver Policy**

Oregon's taxpayers bear the cost to provide records for free or reduced cost. We will consider waiving some or all of the cost to respond to a public records request only if you demonstrate that disclosure of the records is in the public's interest because it affects the community or society as a whole and helps us meet our responsibilities to them. A concern or interest of a private individual or entity does not merit a fee waiver.

We generally do not waive fees for requests made by for-profit business entities except when necessary to enlist the public's assistance in public safety or personal safety issues.

Requests for fee waivers must be in writing.

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