

Port of Astoria Public Records Policy

1. The Port shall fully comply with the Oregon Public Records Law, ORS 192.410-192.505.
2. Upon receipt of a written request submitted pursuant to Section 3 of this Policy, the Port shall provide, as appropriate:
 - A. A copy of the public record if the public record is of a nature permitting copying; or
 - B. A reasonable opportunity to inspect or copy the public record.

The Port shall issue a written acknowledgement pursuant to paragraph 4 of this policy within five (5) business days of receipt of a written request, and generally shall have an additional ten (10) business days from the date of acknowledgement to accommodate the request.

The Port may take a reasonable amount of time to determine whether a requested record is partially or fully exempt from disclosure; to redact portions of the requested record(s) as necessary; and to consult with the Port's attorney for this purpose.

The time period for responding may be extended if necessary to enable the Port to obtain clarification of the request.

3. Written Request. Requests to inspect or copy public records shall be submitted in writing. Requests shall specify the record(s) requested with particularity, furnishing the dates, subject matter and such other detail as may be necessary to enable Port personnel to readily locate the records sought.

The Port may request additional information or clarification from the requester for the purpose of expediting its response to the request. To facilitate this process, a public records request form is available on the Port's website and at the office. An alternate form may be used provided all the required information is included. Requests must be presented in person or by mail to:

Port of Astoria
Public Records Request
422 Gateway Avenue, Suite 100
Astoria OR 97103

or by email at: admin@portofastoria.com.

4. Written Acknowledgement. If the request cannot be immediately accommodated, the Port shall provide a written response as required by ORS 192.324, indicating the reason for such delay or denial. The written response shall indicate one or more of the following:

- (a) The Port is the custodian of the requested record, and providing an estimate of both the time required to accommodate the request and any fees required to be paid;
- (b) The Port is not the custodian of the requested record; or
- (c) The Port is uncertain whether it is the custodian of the requested record and providing an estimate of time when it will make this determination and provide an estimate of fees, if required.

For purposes of this section, “immediately accommodated” includes directing the requestor to an appropriate location to obtain the record, such as the Port’s website.

When a public record is subject to disclosure under ORS 192.345(1) [relating to possible wrongdoing of the Port that is subject to attorney-client privilege], in lieu of making the public record available for inspection by providing a copy of the record, the Port may prepare and release a condensation from the record of the significant facts that are not otherwise exempt from disclosure under ORS chapter 192. The release of the condensation does not waive any privilege under ORS 40.225 to 40.295. The Port may take a reasonable amount of time to confer with legal counsel regarding the contents of such disclosure.

- 5. Exempt Public Records. Public records exempt from disclosure under Oregon law include, but are not limited to, the following:
 - A. Public records indicating the home address, personal telephone number or electronic mail address of an individual, if the individual has requested in writing that the Port not disclose such record and the individual demonstrates to the satisfaction of the Port that the personal safety of the individual or the personal safety of a family member residing with the individual will be in danger if the home address, personal telephone number or electronic mail address remains available for public inspection. Such request shall be effective for the time periods described in ORS 192.368.
 - B. Communications within the Port or between public bodies of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to any final agency determination of policy or action. This exemption shall not apply unless the Port shows that in the particular instance the public interest in encouraging frank communication between officials and employees of public bodies clearly outweighs the public interest in disclosure.
 - C. Information of a personal nature such as but not limited to that kept in a personal, medical or similar file, if public disclosure would constitute an unreasonable invasion of privacy, unless the public interest by clear and convincing evidence requires disclosure in the particular instance. The party seeking disclosure shall have the burden of showing that public disclosure would not constitute an unreasonable invasion of privacy.
 - D. Upon compliance with ORS 192.363, Port employee or volunteer residential addresses, residential telephone numbers, personal cellular telephone numbers, personal electronic mail addresses, driver license numbers, employer-issued

identification card numbers, emergency contact information, Social Security numbers, dates of birth and other telephone numbers contained in personnel records maintained by the Port that is the employer or the recipient of volunteer services.

Pursuant to ORS 192.363, a request for the disclosure of records under this paragraph must include the following information:

- a) The names of the individuals for whom personal information is sought;
- b) A statement describing the personal information being sought; and
- c) A statement that showing by clear and convincing evidence that the public interest requires disclosure in the particular instance.

Upon receiving a request described in this section, the Port shall forward a copy of the request and any materials submitted with the request to the individuals whose personal information is being sought or to any representatives of each class of persons whose personal information is the subject of the request.

The Port has sole discretion to determine the classes of persons whose personal information is the subject of the request and to identify the representatives for each class.

The Port may not disclose information pursuant to the request for at least seven days after forwarding copies of the request to the named person(s). The Port shall consider all information submitted and shall disclose requested information only if it determines that the party seeking disclosure has demonstrated by clear and convincing evidence that the public interest requires disclosure in a particular instance.

This exemption does not apply to the addresses, dates of birth and telephone numbers of employees or volunteers who are elected officials, except that a judge or Port attorney subject to election may seek to exempt the judge's or Port attorney's address or telephone number, or both, under the terms of ORS 192.368;

- E. Information submitted to the Port in confidence and not otherwise required by law to be submitted, where such information should reasonably be considered confidential, the Port has obliged itself in good faith not to disclose the information, and when the public interest would suffer by the disclosure.
- F. Any public records or information the disclosure of which is prohibited by federal law or regulations.
- G. Public records or information the disclosure of which is prohibited or restricted or otherwise made confidential or privileged under Oregon law.
- H. Employee and retiree address, telephone number and other nonfinancial membership records and employee financial records maintained by the Public Employees Retirement System pursuant to ORS chapters 238 and 238A.

- I. Records of or submitted to the State Treasurer, the Oregon Investment Council or the agents of the treasurer or the council relating to active or proposed publicly traded investments, including but not limited to records regarding the acquisition, exchange or liquidation of the investments. (See ORS 192.355(13) and (14) for limitations on this exemption.).
- J. The monthly reports prepared and submitted under ORS 293.761 and 293.766 concerning the Public Employees Retirement Fund and the Industrial Accident Fund, for a period of up to 90 days after the end of the calendar quarter.
- K. Names, dates of birth, driver license numbers, telephone numbers, electronic mail addresses or Social Security numbers of customers who receive water services from the Port, unless the customer consents in writing or electronically; the disclosure is necessary for the Port to render services to the customer; the disclosure is required pursuant to a court order; or the disclosure is otherwise required by federal or state law. The Port may charge as appropriate for the costs of providing such information.

The Port may make customer records available to third party credit agencies on a regular basis in connection with the establishment and management of customer accounts or in the event such accounts are delinquent.

- L. A record of the street and number of an employee's address submitted to the Port to obtain assistance in promoting an alternative to single occupant motor vehicle transportation.
 - M. Information about review or approval of programs relating to the security of the system for the storage and delivery of water.
 - N. Except as authorized by ORS 408.425, records that certify or verify an individual's discharge or other separation from military service.
 - O. Electronic mail addresses in the Port's possession, other than those used for official Port business.
- 6. Inspection of Records: The Port shall permit inspection and examination of its non-exempt public records during regular business hours in the Port's offices, or such other locations as the Port may reasonably designate from time to time. During on-site review of original records, a staff person will be present to ensure the integrity of the records.
 - 7. Copies of Records: Copies of non-exempt public records maintained in machine readable or electronic form shall be furnished, if available, in the form requested. If not available in the form requested, such records shall be made available in the form in which they are maintained, unless the alternative format is requested to reasonably accommodate a disability recognized under the Americans With Disabilities Act.
 - 8. Fees: The Port may charge reasonable fees to reimburse the Port for the cost of responding to a public records request. This includes staff time for making public records

available, including costs for summarizing, compiling or tailoring the public records, either in organization or media, to meet the request. The Port also may charge a fee to cover the cost of time spent by the Port's attorney in reviewing the public records, redacting material from the public records or segregating the public records into exempt and nonexempt records.

- A. There is no charge for responding to records request if the request can be accommodated in 15 minutes or less. If the response process requires more than 15 minutes of staff time, the Port will charge for staff time required at a rate of \$30 per hour, prorated.
 - B. Attorney time shall be charged at the attorney's regular hourly rate.
 - C. The Port will charge 20 cents per page for black-and-white, letter-size, printed copies. For copies of sound recordings, color copies, maps and other unusual formats, the charge will be set to reimburse the Port for the actual costs incurred.
 - D. If a request is of such magnitude and/or nature that compliance would disrupt the Port's normal operation, the Port may impose such additional charges as are necessary to reimburse the Port for its actual costs of producing the records.
 - E. The Port may provide an estimate of costs in advance and may require such amount to be paid prior to providing the requested record(s). If the estimated amount exceeds \$25, the Port shall provide written notification to the requester and obtain confirmation that the requester desires to move forward with the request. If the actual amount to produce the record(s) exceeds the amount of the estimate, the requester shall pay the additional amount prior to receiving the record(s). If the actual amount exceeds the amount of the estimate, the difference shall be refunded to the requester.
 - F. Per ORS 192.324(5), whenever it is determined that furnishing copies of public records in the Port's possession at a reduced fee or without cost would be in the public interest, the Board or Executive Director may so authorize.
9. Unauthorized Alteration, Removal, or Destruction of Records: If during public records review any person attempts to alter, remove or destroy any Port record, the Port representative shall immediately terminate the review. Law enforcement authorities may also be notified.