



# Devils Lake Water Improvement District

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4006 NE West Devils Lake Road • Lincoln City, Oregon 97367  
(541) 994-5330  
[www.DLWID.org](http://www.DLWID.org)

## Public Records Request Policy

### I. **POLICY**

Oregon's public records law makes all District records available for public review, except records that are exempt from disclosure under ORS 192.410 – 192.505. Public records, except those exempt from disclosure, are to be made available at cost to the public body upon request, subject to the procedural guidelines below.

### II. **PURPOSE**

The purpose of this policy is to ensure that all requests for public records are handled in a manner that is consistent with and complies with the public records law, while minimizing the impact on District workload and fiscal integrity.

### III. **DEFINITIONS**

The definition of “public record” is beyond the scope of this document. Questions about whether an item qualifies as a public record should be addressed by referring to the public records law or consulting with legal counsel. The following records are a partial list of those records that are always exempt from disclosure (ORS 192.502):

- **Internal Advisory Communications** Communication within a public body or between 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 outweighs the public interest of disclosure then the records are exempt from disclosure.
- **Personal Privacy Exemption** 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.
- **Public Employee Addresses, Social Security Number, Birth Dates and Telephone Numbers** Addresses, social security numbers, dates of birth and telephone numbers contained in personnel records maintained by employer or recipient of volunteer services. Does not apply to employees or volunteers if they are elected officials or that public interest requires disclosure in a particular instance.
- **Confidential Submissions** In order for records submitted by a citizen of the district in confidence to be exempt, they must meet the following tests: 1) The informant must have submitted the information on the condition that it would be kept confidential. 2) The informant must not have been required by law to provide the information. 3) The information itself must be of a nature that reasonably should be kept confidential. 4) The



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public body must show that it has obliged itself in *good faith* not to disclose the information. 5) Disclosure of the information must cause harm to the public interest.

• **Federal Law Exemption** 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.

• **Other Oregon Statutes Establishing Specific Exemptions** Any public records or information the disclosure of which is prohibited, restricted, or otherwise made confidential or privileged under Oregon law.

The District defines “at cost” as the actual cost of materials, staff time, and any travel or other expenses incurred in preparing and providing the records.

#### IV. PROCEDURE

Public records, except those exempt from disclosure (as defined in ORS Chapter 192), shall be made available upon request for review, and copies shall be provided at a fee reasonably calculated to reimburse the District for the actual costs incurred in making the records available. Activities to be reimbursed on an at-cost basis include locating, compiling, summarizing, printing, copying and distributing the information, and taking any other steps reasonably required to make the information available including time by staff or the District’s attorney to redact legally protected information. Any information redacted will include an explanation for the redaction.

The following procedure will be followed in implementing this policy:

- A person or organization may make an appointment to inspect or request to receive copies of a public record or information from public records in person at the Devils Lake Water Improvement District Office, 820 SE Highway 101, Suite D, Lincoln City, Oregon, by a request by mail to DLWID, PO Box 974, Lincoln City, OR 97367, or by emailing [lake.manager@dlwid.org](mailto:lake.manager@dlwid.org).
- All requests, be they in person, by mail, or by email shall include a completed Public Records Request form (See attached).
- The request must include the name and address of the person requesting the public record; the telephone number or other contact information (email, if available) for the person requesting the public record; and identify as specifically as possible the type of record(s), subject matter, approximate date(s), names of persons involved.
- Fees may be assessed for part or all of the costs associated with filling the request and/or providing access to inspect the materials as provided in the Fee Structure below. For costs beyond \$25.00, DLWID will provide a fee estimate and must receive approval and payment from the requestor in the amount of the fee estimate before beginning to fill the request. The Devils Lake Water Improvement District will bill for or refund any difference between the fee estimate and its actual cost.
- DLWID shall respond to the requestor with an estimate of expected charges no later than 30 days after receiving the request. DLWID’s response will contain an acknowledgment of



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the request, a list of the fees charged to provide records, an estimate of the expected cost of meeting the request, and the expected date, location and means which the information will be provided once payment is received.

- Original materials may be inspected on-site only and may not be removed from the District's premises.
- In order to protect the integrity of the District's records, all parties choosing to inspect information will necessarily be supervised and must pay for the staff time as published below.
- DLWID reserves the right to provide information in a different format than requested (e.g., in print instead of electronically) if the burden of meeting the requested format is impractical. DLWID also reserves the right to provide the information after the desired date if the burden of meeting the requested date is impractical.
- For small requests that will incur \$0.00 to less than \$25.00 of costs, the District will automatically begin processing the request in as timely a manner as possible. Fees however incurred must be paid to the District prior to the deliver of the records.
- For larger requests, requiring costs to be incurred greater than \$25.00, the District will proceed only once payment of the fee estimate has been received in advance. The timeline for provision of the information will begin upon receipt of payment.

### V. **FEE STRUCTURE**

The following fees apply per each public information request\*‡. The fees listed below represent the most frequently requested formats in which information is requested. Fees for information requested in formats other than those listed below will be determined on a case-by-case basis. All charges are payable in advance of the materials being provided.

- No charge to provide an estimate of costs
- No charge for first 15 minutes of staff time to provide the information requested\*‡
- No charge for the first 10 black and white printed or photocopied pages\*‡
- No charge for the first color printed or photocopied page\*‡
- \$40.00 per hour for staff time after the first 15 minutes (billed in increments of \$10.00 per every 15 minutes or fraction thereof.) for time to provide the information and/or to provide access to the information \*‡
- Actual attorney fees charged to the Devils Lake Water Improvement District 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



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- \$0.25 per single-sided black and white printed or photocopied page after the first 10 single-sided pages
- \$1.00 per single-sided color printed or photocopied page after the first single sided page.
- \$0.50 for the each faxed page, limited to a 20 page maximum, not including the cover page.
- \$5.00 per CD. Due to the threat of computer viruses, the Devils Lake Water Improvement District will not permit requestors to provide disks for electronic reproduction of computer records
- \$25.00 per name and address list request plus the per-page fees listed above, if printed; or plus the cost of the CD listed above, if provided on a CD; or plus the cost of other media
- Actual material costs for producing information on audio tapes, video tapes, CDs or other media
- Actual costs of mailing and/or shipping the materials
- \$10.00 for each notarized signature or certified copy signature requested

\* To protect the time and resources of the District, the DLWID reserves the right to charge for all costs associated with filing a request.

‡ The District may furnish copies of public information without charge or at a substantially reduced fee if the District determines the waiver or reduction of fees is in the public interest because making the record available primarily benefits the general public, per ORS 192.440(4). All waivers must be approved in advance by the District's manager or the District's Board of Directors.



**DEVILS LAKE**  
WATER IMPROVEMENT DISTRICT

[www.DLWID.org](http://www.DLWID.org)

## Public Record Request

Please fill out this form to receive a public record

Date: \_\_\_\_\_

### Requestor's Information:

Name of Requesting Individual		Affiliation
Phone	Fax	Email
Mailing Address		
City	State	Zip

### Record(s) Requested:

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

Description of Record(s) Requested
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**Receiving Record(s):** DLWID will try to accommodate requests if possible.

I prefer to receive the record(s) by:  Mail  E-mail  Fax  In person

**Fees:** DLWID has the right to charge for any and all staff time and material costs needed to complete this request. A limited fee structure has been specified in the District's Public Records Request Policy; all other costs are billed as actual costs. Generally, the first 15 minutes of staff time, first 10 black and white copies, and first color copy shall be provided free. If charges exceed \$25.00, DLWID will provide the requestor an estimate prior to filling the request. Payment for larger requests must be received in advance.

**Authorization:** By signing below I certify that the information above is true and correct to the best of my knowledge, and that I authorize the District to complete this records request, and I further agree to pay fees associated with this request up to \$25.00. Requests that will incur costs beyond \$25.00 will not be processed until the District provides a full estimate, and I approve and pay for all costs.

Signature of Requesting Individual
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Please send completed records request to [josh@dlwid.org](mailto:josh@dlwid.org)