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MEMORANDUM

TO: Chair Hoyle and Members of the House Committee on Rules

FROM: Patrick W. Henry, Assistant County Attorney

DATE: April 27, 2015

SUBJECT: HB 3505 – Limits Timelines and Fees in Relation to Public Records Requests

PURPOSE: Among other things, this bill waives fees a public body would have received if complete disposition of public records request has not been made within three weeks of a public records request and limits fees public bodies may charge public records requesters.

CURRENT LAW & CONTEXT

- Multnomah County supports doing its business in an open, transparent way. However, when we receive a public records request, we have to carefully review the records to make sure we comply with state and federal laws that require us to maintain some records' confidentiality. Depending on the scope of the request, that process can take many hours.
- The vast majority of public records requests that Multnomah County receives are handled in much less than the three weeks that are provided for in this bill. However, there are times that we receive very broad requests that require searching for and reviewing thousands of pages of records. In such cases, the timeframes in this bill are not practical.
- We do not have staff whose sole job is to respond to public records requests. What happens when we get a request is that an employee whose job may be to provide direct service to the public is pulled from his or her "regular" job in order to gather the records and respond to the request. In order to meet the timelines in this bill, an employee may be pulled from their regular job for an extended period of time.
- The existing public records law provides a vehicle for individuals to sue if they think their request has been improperly denied, taken too long, or the amount they have been charged for the records is inappropriate.
- This bill constitutes an unfunded mandate on local jurisdictions struggling to maintain and provide basic local services.