



## Open Government Impact Statement

82nd Oregon Legislative Assembly  
2023 Regular Session

## Measure: SB 417

Only impacts on Original or Engrossed  
Versions are Considered Official

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### SUMMARY

Directs public bodies to perform search, review and duplication work in responding to public records requests in least expensive manner reasonably possible. Limits hourly rate of compensation that may be charged for public record search, review and duplication work.

Requires public body to provide explanation of basis of fee if explanation is sought by public records requester.

Enumerates factors public body may take into account in determining to waive or reduce fees, although authorizes public records custodian to waive or reduce fees for any reason. Requires custodian to furnish copy of public record without charge if disclosure primarily benefits general public unless disclosure outweighed by substantial prejudice to custodian or if waiver would prevent custodian from performing other required functions. Provides that public records request by representative of news media is assumed to be in public interest unless custodian demonstrates, in particular instance, that request is not in public interest.

### OPEN GOVERNMENT IMPACT

Legislative Counsel has not adopted standards for drafting measures that establish exemptions from disclosure of public records.

This measure requires public bodies to perform the search, review and duplication work of responding to a public records request in the least expensive manner that is reasonably possible but allows the public body to charge the minimum wage rate when an unpaid volunteer is available to perform the work.

This measure also requires a public body to provide an explanation of the basis for a fee estimate, upon request, and to work in good faith with a requester who seeks to narrow a request in order to reduce the fees charged.

Additionally, this measure enumerates some of the factors that a public body may consider in determining whether to offer records for free or at a reduced cost, and requires the public body to approve a fee waiver, or a fee reduction under certain circumstances, if it determines that the public records request is in the public interest because it primarily benefits the general public. If a public body denies a fee waiver or reduction, it is required to provide the reason for that determination to the requester in writing.

Finally, this measure presumes that a request by a representative of the news media is in the public interest and provides that a request by a commercial entity other than the news media is not in the public interest.

This measure does not impact public interests in disclosure that would be served if public records were subject to mandatory disclosure.