

TUALATIN VALLEY FIRE AND RESCUE

BUSINESS OPERATIONS

SECTION 12

<u>SECTION</u>		<u>PAGE</u>
12.1	Definitions.....	2
12.2	Records Management	3
12.3	Public Records	4
12.4	Copyrights and Patents	7
12.5	Policy Approval	8

SECTION 12.1

DEFINITIONS

As used in these sections, unless the context requires otherwise:

- A. *Board of Directors* or *Board* means the governing body of Tualatin Valley Fire and Rescue.
- B. *District* means Tualatin Valley Fire and Rescue.

DATE: March 20, 2012

REVIEWED: December 10, 2024

- A. Adequate documentation of the policies and activities of the District is essential to ensure continuation of the political subdivision and open, efficient conduct of public business.
- B. Retention of records created through the course of District business is the responsibility of each member of the District. Authority on the care, maintenance, and access of District Records lies with the Records Manager.
- C. At no time shall an original record of the District be permanently removed from the District's property, or the place at which the record is regularly maintained, except upon authorization of the Records Manager and Fire Chief or his designee.
- D. District records will be retained in accordance with the Oregon County and Special District Retention Schedule (OAR Chapter 166 Division 150), as it may be amended from time to time, and for longer periods in accordance with District policy. Records will be destroyed in accordance with established District policy.
- E. The District will make every effort to identify and preserve records that may be subject to litigation, that have been requested by the public, or that have historical significance warranting preservation.
- F. The Records Manager will be notified immediately in the event the District receives a request for production or is placed under a litigation hold.

DATE: March 20, 2012

REVISED: January 26, 2021

REVIEWED: December 10, 2024

A. Compliance

The District recognizes that records created, prepared, owned, used, and maintained by the District are the property of the public and shall fully comply with Oregon Public Records Law. In the event of a Public Records Request, the following policy will apply:

1. Format of Request. The District accepts requests for public records in writing by mail, in person, by e-mail, or via an online portal and will make available a prescribed Public Records Request Form and procedure for requesting public records on its website. The District encourages requests be submitted via the Records Request Center online portal available at www.tvfr.com when possible.
2. Acknowledgment. The District will acknowledge receipt of all public records requests received by the Records Manager or designee within 5 business days of receipt and will either confirm the District is the custodian of the requested record, inform the requestor the District is not the custodian of the requested record, or will notify the requester the District is uncertain whether the District is the custodian of the requested record. ORS 192.324(2)
3. Specificity of Request. In order to facilitate the public's access to records in the District's possession, and to avoid unnecessary expenditures of staff time, persons placing requests for public records must furnish adequate detail to enable District personnel to readily locate the records sought. The District will endeavor to assist all requestors with locating the records and information they seek, but is not required to create records in response to a request. ORS 192.329(4)
3. Access. The District shall permit inspection and examination of its records during regular business hours in the District's offices, or such other location as the District and the requestor may reasonably agree upon. 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. ORS 192.324(3)

B. Fees for Public Records

The District may charge a fee in order to recover its actual costs for responding to public records requests. All fees will be applied in accordance with the District's established fee schedule. ORS 192.324(4)

C. Response to Requests for Public Records

The District will respond to requests for public records as soon as practicable and without unreasonable delay. ORS 192.329(1). Within 15 business days of receipt of a written request by the Records Manager or designee, and unless otherwise provided by Section E below, the District will:

1. Provide access to or copies of all requested records within the possession or custody of the District that are not exempt from disclosure, or provide an explanation as to where the records are already publicly available; or
2. Assert that the requested records are exempt from disclosure and identify the exemptions relied upon; or
3. Separate out the exempt and nonexempt material and provide access to or copies of the nonexempt material requested along with the basis for the exemptions claimed and relied upon; or
4. Inform the requestor that the District does not possess, or is not the custodian of, the requested records; or
5. If prohibited by state or federal law from acknowledging whether the requested record exists or where acknowledging whether a requested record exists would result in the loss of federal benefits or imposition of another sanction, provide a written statement to that effect and citing the state or federal law relied upon, unless doing so would violate state or federal law; or
6. Provide a written statement that the District is still processing the request and a reasonable estimated date by which the District expects to complete its response based on the information currently available.

ORS 192.329(2)

D. If compliance with the above timeframes would be impracticable, the District shall, as soon as practicable and without unreasonable delay, acknowledge a public records request and complete the response to the request. Compliance may be “impracticable” for one or more of the following reasons:

1. Staff or volunteers necessary to complete a response to the request are unavailable as they are on leave, not scheduled to work, or otherwise unavailable;
2. Compliance would demonstrably impede the District’s ability to perform other necessary services, or

3. The volume of records requests being simultaneously processed is overwhelming.

ORS 192.329(6).

In the event of a large request, the District may provide access for inspection and copying of records in installments. If within 30 days of the notice of availability of the responsive records, the requestor fails to inspect or claim an installment of records, or pay the fee timely, the District may stop processing the remainder of the request and consider it closed. ORS 192.329(3).

E. Records Exempt from Disclosure

1. While the general policy of the District is to provide public access to its records, some records are exempt from disclosure. In the event a request for public records is denied because the records requested are exempt from disclosure, the District will provide the requestor with a written explanation for the denial.
2. If the District asserts that one or more requested records are exempt from public disclosure, the requester will receive notice that it may seek review of the District's determination pursuant to ORS 192.411, 192.415, 192.418, 192.422, 192.427 and 192.431.

F. Requests for Payment, Additional Information, or Clarification

1. The District has established fees reasonably calculated to reimburse the District for its actual cost of making public records available. If the District provides a written estimate of the cost of completing a records request, or if the District seeks additional information or clarification from the requester to help facilitate the request, the timeframes set forth in Section C will be temporarily suspended.
2. The District will not assess a fee over \$25 without first providing the requester with written notice of the estimated amount of the fee and the requester confirms that it desires the District to proceed with making the record available. If payment is not received within 60-days from the date notice is provided, the District will consider the request closed. ORS 192.324 and ORS 192.329(3).
3. If the District seeks additional information or clarification regarding a request for public records from the requester, the timeframes set forth in Section C will be suspended until requester responds the inquiry. If no response is received by the

4. District within 60-days of the inquiry, the District will consider the request closed. ORS 192.329(4)

DATE: March 20, 2012

REVISED: December 10, 2024

REVIEWED: December 10, 2024

- A. All publications, articles, equipment, audio and/or visual materials, and other items produced for District use with District time and funds by an employee(s) shall remain the property of the District. All rights to such property, copyrights, and/or patents shall be retained by the District. This policy also applies to providing contracted service or producing works for hire.
- B. In the event the articles are produced partly on District time, the District reserves the right to claim full ownership. The employee(s) may petition the District for assignment of copyright or patent rights.
- C. In the petition, the employee(s) shall provide the Board with full, complete, and timely information and disclosure with respect to any such item. The Board may then waive or relinquish any copyright or patent interest in the item in its discretion.

DATE: March 20, 2012

REVISED: December 13, 2022

REVIEWED: December 10, 2024

This is to certify that Business Operations, Section 12, policies 12.1 – 12.4, were duly adopted and approved by Board action on:

Justin J. Dillingham, President of the Board

Clark I. Balfour, Secretary of the Board

APPROVED: December 10, 2024