OFFICE OF THE SECRETARY OF STATE
SHEMIA FAGAN
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE

ARCHIVES DIVISION
STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

PERMANENT ADMINISTRATIVE ORDER

FILED
06/23/2022 4:02 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

SHEEP 4-2022
CHAPTER 644
DEPARTMENT OF AGRICULTURE
OREGON SHEEP COMMISSION

FILING CAPTION: Commission Procedure for Responses to Public Records Requests

EFFECTIVE DATE: 06/30/2022

AGENCY APPROVED DATE: 06/01/2022

CONTACT: Richard Kosesan
503-364-5462
info@oregonsheepcommission.com

1270 Chemeketa St NE
Salem,OR 97301

Filed By:
Nikki Kosesan
Rules Coordinator

ADOPT: 644-020-0030

RULE TITLE: Commission Procedure for Responses to Public Records Requests

NOTICE FILED DATE: 02/07/2022

RULE SUMMARY: Commission Procedure for Responses to Public Records Requests

RULE TEXT:

(1) The commission may request additional information or clarification from a requester of public records for the purpose of expediting the commission's response to the request.

(2) Within five business days after receiving the request, the commission shall acknowledge receipt of the request or complete the response to the request. An acknowledgment under this subsection must:

(a) Confirm that the commission is the custodian of the requested record; or

(b) Inform the requester that the commission is not the custodian of the requested record; or

(c) Notify the requester that the commission is uncertain whether the commission is the custodian of the requested record.

(3) As soon as reasonably possible but not later than 10 business days after the date by which the commission is required to acknowledge receipt of the request the commission shall:

(a) Complete its response to the public records request; or

(b) Provide a written statement that the commission is still processing the request, including a reasonable estimated date by which the commission expects to complete its response based on the information currently available.

(4) The commission shall complete its response to a written public records request that is received by the Administrator/Public Records Information Officer as soon as practicable and without unreasonable delay. The commission's response is complete when the commission:

(a) Provides access to or copies of all requested records within the possession or custody of the commission that the commission does not assert are exempt from public disclosure, or explains where the records are already publicly available; or,

(b) Names any exemptions from disclosure that the commission believes apply to any requested records and, if the commission cites ORS 192.355 (8) or (9), identifies the state or federal law that the commission relied on in asserting the exemption(s); or,

(c) Provides public records, or portions of public records, that are not exempt from records that are exempt from disclosure; or,
(d) To the extent that the commission is not the custodian of records that have been requested, provides a written statement to that effect; or,
(e) To the extent that state or federal law prohibits the commission from acknowledging whether any requested record exists or that acknowledging whether a requested record exists would result in the loss of federal benefits or imposition of another sanction, provides a written statement to that effect, citing the state or federal law that the commission relies on, unless the written statement itself would violate state or federal law; or
(f) If the commission asserts that one or more requested records are exempt from public disclosure, includes a statement that the requester may seek review of the commission's determination pursuant to ORS 192.401, 192.411, 192.415, 192.418, 192.422, 192.427 and 192.431.
(5) If the public record is maintained in a machine readable or electronic form, the commission shall provide a copy of the public record in the form requested, if available. If the public record is not available in the form requested, the commission shall make the public record available in the form in which the public body maintains the public record.
(6) If in reviewing the request the commission determines that a fee will likely exceed $25, the commission shall estimate the allowable fee consistent with 644-020-0060 and provide the requester with a written notification of the estimated amount of the fee.
(7) The commission may, in the course of responding to any request, make good faith requests for clarification or additional information that will assist the commission in expediting its response to the request. If in reviewing the request the commission determines that a fee will likely exceed $250, the commission shall work with requester to refine the scope of the request or otherwise seek to reduce the cost of the request.
(8) The commission shall not proceed with processing any request until the requester provides payment, or the fee has been waived by the commission pursuant to 644-020-0060, or the fee otherwise has been ordered waived.

STATUTORY/OTHER AUTHORITY: ORS 192.318 (2), ORS 576.304 (14), ORS 183

STATUTES/OTHER IMPLEMENTED: ORS 192.324, ORS 192.329