UMPQUA PUBLIC TRANSPORTATION DISTRICT

UPTD

PUBLIC RECORDS ACCESS, RETENTION, ARCHIVING & DISPOSAL POLICY

Adopted

4/19/2021

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PURPOSE

The purpose of this policy is to establish responsibility and specify the requirements for managing Umpqua Public Transportation District's (UPTD) Public Records to ensure compliance with Oregon Public Records Laws, Oregon Administrative Rules for Special District Record Retention, Federal Transit Administration (FTA) record retention and Statewide Transportation Improvement Fund (STIF) record retention requirements.

POLICY

Umpqua Public Transportation District shall fully comply with the Oregon Public Records Laws, ORS 192.005-192.170, 192.311-192.478, 357.805-357.895 and 192.610-192.695 maintain and manage all public records from the time of creation, ownership or use until the time of final disposition.

Umpqua Public Transportation District shall fully comply with Oregon Administrative Rules 166-150-005 for Special District Record Retention schedules while ensuring compliance with FTA C 5010.1D, ODOT and STIF OAR 732-040-000 record retention requirements. This policy applies to the Board of Directors, employees, volunteers, committees, contracted service providers, vendors and all other entities engaged in business with or for the district that are responsible for creation, management and storage of UPTD records.

PUBLIC RECORD - ORS 192.311(5)(a)

Means any information that:

1. Is prepared, owned used or retained by a public body regardless of physical form or characteristics.
2. Includes any writing that contains information relating to the conduct of the public's business.

RECORDS SPECIALIST

The Executive Director shall appoint a Records Specialist to be thecontact for records requests and oversee district records management and compliance.

UPTD RECORDS MANAGEMENT

UPTD staff and management are responsible for the protection and overall management of anyand all public records.

1. Each Department will organize, label, file and secure all UPTD documents created, usedand stored in the department.
2. Each department will complete a Records Retention Guide using the OAR Records Retention guidelines.
3. Each Department will determine their filing system however all files, file cabinets and any storage boxes should be accurately labeled with contents and retention dates.

4. Sensitive, confidential protected and financial records will be stored in locked files when not in use.

PUBLIC RECORD REQUESTS

Umpqua Public Transportation District shall fully comply with the Oregon Public Records Law, ORS 192.410-192.505.

1. **Specificity of Request:** In order to facilitate the public's access to records in the District's possession, and to avoid unnecessary expenditure of staff time, document requests must be in writing and shall include the name and mailing address of the requestor and a complete and detailed description of the materials requested. Where known to the requestor, the request shall include information such as the departmental file number, year of creation and any other pertinent information that may assist District staff in locating the requested documents. The District will not author or prepare any new documents in response to a records request.

2. **Access:** The district shall permit inspection and examination of its non-exempt public records during regular business hours in the District's offices, or such other locations as the General Manager may reasonably designate from time to time. A person making a public documents request may personally inspect the requested documents, but the right to inspect documents does not include the right to rummage through file cabinets or file folders or the right to disassemble or change the order of materials in files or document binders. Any request which requires more than 1/2 hour of staff time shall occur at a time mutually convenient to the requestor and the affected staff person.

   Original documents shall not be taken out of the custody of the District except through special arrangement with District staff, which assures documents will be returned in the original condition and order. A District staff member should be present while any original public records are being inspected to insure protection of the documents.

3. **Format of Records**: Copies of non-exempt 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 192.440(2).

4. **Request Response Time:** The District shall respond to all public documents requests as soon as practical and without unreasonable delay or within 5 business days or, within 5 business days explain why more time is needed for a full response. One such reason for delay would be an instance where staff needs to consult with the District's Attorney to obtain legal advice prior to releasing documents or when the District is presented with a physically extensive or legally complex document request. When a request is submitted

in writing, the district must respond within five business days acknowledging the receipt of the request. You then have an additional 10 business days to fulfill the request or issue a written response estimating how long fulfillment will take. The district is not subject to this response timeframe if it is awaiting a response from the requester seeking clarification of the inquiry or if the requester has not agreed to pay for the records, provided that the cost of $25 or more. Other considerations that apply are:

- Complicated requests
- Large volume of requests
- Requests involving documents not readily available or if the necessary staff are unavailable to fulfill the request

Fees for Public Record

Cost Estimate: When presented with a public document request, the District shall first prepare an estimated cost bill reflecting the full, actual cost of District staff time and materials required to complete the request, including time required for retrieval, copying, preparation, assisting the requestor, separating exempt from nonexempt materials as provided by ORS 192.338 through 192.407, organization of the results, and if requested, delivery of the search results.

Labor Costs: The cost bill estimate for staff time will be based on the staff person's regular hourly wage rate multiplied by the time estimated to respond to the request. The current percentage for compensation for District benefits received by the staff person will be added. There will be no charge for the first half hour of staff time requited to respond to a documents request. The staff people who respond to public records request shall be those with the lowest hourly wage that are qualified to respond to the request.

Materials Costs: If the request entails less than 1/2 hour of staff time, then copying charges shall be included at the rate of .25 cents per page if 50 or fewer copies are made; .15 cents per page if the project entails more than 50 copies. If the documents are removed from District custody for copying at a commercial copy shop, the requestor shall be responsible for the actual cost of the commercial copying. If delivery of the copied material is requested, mailing or delivering costs shall be included in the estimated cost bill. If the request requires retrieval of documents stored off site at a District document storage facility, then a $20.00 retrieval fee will be charged to access the information. Extensive box retrieval will be charged at normal facility retrieval costs.

Fees must be limited to no more than $25.00 unless the requestor is provided with a written notification of the estimated amount of the fee and the requestor confirms that he/she wants the public body to proceed.

In order to recover its costs for responding to public records requests, the following fee schedule is adopted by the District:

- Copies of public records shall be $0.25 cents per copy for standard, letter size copies for requests of 50 pages or less and $0.15 cents per copy for standard, letter size copies for requests of more than 50 pages.
- Copies shall be certified for a charge of $5.00 per page or $30.00 per document.
- Copies of sound recordings shall be $10.00 per copy.
- Charges for copying maps or other nonstandard size documents shall be charged in accordance with the actual costs incurred by the District.
- Additional Charges: If a request is of such magnitude and nature that compliance would disrupt the District's normal operation, the District may impose such additional charges as arenecessary to reimburse the District for its actual costs of producing the records.
- Reduced Fee or Free Copies: Whenever it determines that furnishing copies of public records in its possession at a reduced fee or without costs would be in the public interest, theBoard or District Manager may so authorize. ORS 192.440(4).

Fee Collection

If the estimated cost bill is $25.00 or more, the District shall require a deposit in the full amount of the estimate before expending any additional District resources toward responding to the document request. The District shall proceed to fulfill the request only upon receipt of the deposit. If the actual cost of completing the request exceeds the estimate, the District will not release the search results until the District's full actual costs, calculated in accordance with this policy are received in full. If the actual cost of responding to the request is less than the estimated cost bill, then the balance of the deposit will be refunded promptly.

If the estimated cost bill is less than $25.00, the District shall proceed to fulfill the request and shall present a cost bill for the District's full actual expenses, calculated in accordance with this policy and payable in full upon receipt of the request result. The District will not release the request result until the cost bill has been paid in full.

Waiver or Reduction of Fees

Copies of public records may be furnished without cost, or at a reduced cost, if the General Manager or District Board Chair determines that a waiver or reduction of fees is in the public interest because making the record available primarily benefits the general public.

1. A person requesting a waiver or reduction of fees shall file a written request which includes his/her name and address, the purpose for which the documents are sought, the nature of the information and whether he/she can demonstrate the ability to disseminate the information to the public or otherwise benefit the general public with the information. The General Manager

will review the request and may also consider the requestor's ability to pay and any financial hardship on the District that would arise from granting a waiver or reduction.

2. Any requestor disabled within the meaning of the Americans With Disabilities Act may also apply for a waiver or reduction of fees for any of the cost of complying with the request that were due to the requestor's disability.

3. Copies of routine materials requested by the news media will be made available without charge. Any request which requires more than 1/2 hour of staff time will be charged according to this policy.

4. Copies of routine materials, personal to the requestor, will be furnished without charge, except for policy reports. Any request which requires more than 1/2 hour of staff time will be charged according to this policy.

5. Copies of routine materials requested by any Umpqua Public Transportation District public official or advisory committee member will be furnished without charge if the request relates to information needed in the requestor's official capacity.

DOCUMENT REVIEW

Authorization Required for Removal of Original Records: At no time shall an original record of the District be removed from the District's files or the place at which the record is regularly maintained, except upon authorization of the Board of Directors or General Manager of the District.

On-Site Review of Original Records: If a request to review original records is made, the District shall permit such a review provided that search fees are paid in advance in accordancewith the Fees for Public Records section, above. A representative shall be present at any timeoriginal records are reviewed, and the charges for standing by while the records are reviewed shall be the same as the charges for searching or reviewing records.

Unauthorized Alteration, Removal, or Destruction of Records: If any person attempts to alter, remove or destroy any District record, the District representative shall immediately terminate such person’s review, and notify the attorney for the District.

RECORDS STORAGE STANDARDS

Safe records storage areas require compliance with the following standards:

1. Records should be stored in fire resistant structures or areas in which the temperature and humidity are maintained at levels required to ensure optimum longevity of the paper, filmor tape on which they are recorded.

2. No records should be piled or stacked directly on the floor.
3. No records should be stacked around doorways.
4. Care and supervision of record storage areas should be the responsibility of one person from each department.
5. All boxes or containers used for records storage will be designed to hold records, clearly labeled with name of department, type of records, date container was placed in storage, date records will be eligible for destruction. Records from of each Department will be stored together and not comingled.
6. No authorization is required to destroy records that are excluded from the definition of public records.
7. No records of fiscal transactions will be destroyed even though the required minimum retention has passed until after the required audit for the period covered by the records has been completed and the auditor has released the records for destruction.

RECORDS RETENTION OAR 166-150-005

UPTD will consult and adhere to the State of Oregon Secretary of State Administrative Rules recognizing that records having varying lengths of retention ranging from one year to permanent retention.

FTA RECORD RETENTION FTA C 5010.1 III.7

Applicability. This section applies to all financial and programmatic records, supporting documents, statistical records, and other records of grantees. Records retention and access requirements shall apply to grantee contractors, subcontractors, and subgrantees. UPTD shall include this requirement in grantee contracts and/or subgrants. These records are: Records required to be maintained by this circular or the terms of the Grant Agreement, or otherwise considered pertinent to FTA program requirements or the Master Agreement. Records executed electronically may be retained in that manner. Copies made by microfilming, photocopying, or similar methods may be substituted for the original records. Files must be accessible for possible review, audit, or down-loading to paper copy when required. This section does not apply to records maintained by contractors or subcontractors.

Part I – LENGTH OF RETENTION PERIOD

<u>Except as otherwise specified, records must be retained for 3 years from date of final payment.</u>

If any litigation, claim, negotiation, audit, or other action involving the records has been started before the expiration of the three-year period, the records must be retained for three years after completion of the action and resolution of all issues which arise from it. To avoid duplicate record keeping, FTA may make special arrangements with grantees (including subgrantees, as appropriate) to retain any records which are continually needed for joint use. FTA will request transfer of records to its custody when it determines that the records possess long-term retention value. When the records are transferred to or maintained by FTA, the three-year retention

requirement is not applicable to the grantee. UPTD will keep records three years after the close of the grant and also any records for assets 3 years after the disposal of that asset.

Starting Date of Retention Period.

General. The starting date for retention of records related to multi-year projects is the date of submission of the final FSR upon project completion or, if waived, the date it would have been due.

Equipment Records. The 3 year retention period for the equipment records starts from the date of the equipment's disposition or replacement or transfer at FTA's direction.

Records for Income Transactions after Grant Close-out. In some cases, grantees must report income after a grant is closed out. Where there is such a requirement, the retention period for the records pertaining to the earning of the income starts from the end of the grantee's FY in which the income is earned.

Part II – ACCESS TO RECORDS

Records of Grantees and Subgrantees. FTA, DOT Office of Inspector General, and the Comptroller General of the United States, or any of their authorized representatives, have the right of access to any books, documents, papers, or other records of the grantee which are pertinent to the grant, in order to perform audits, or make examinations, excerpts, or transcripts.

Expiration of Right of Access. The right of access in this section is not limited to the required retention period but continues as long as the records are retained.

Restrictions on Public Access. The Federal Freedom of Information Act (FOIA) (5 U.S.C. 552) does not apply to records owned and possessed by UPTD. Unless required by State or local law, grantees and subgrantees are not required to provide periodic public access to their records. However, FTA may request a grantee to provide access to those records the grantee maintains on behalf of FTA, (i.e., records required by Federal statute or regulation, such as Davis-Bacon wage records), or other records necessary to determine compliance with Federal requirements established as conditions of eligibility for recipients of Federal funding.

PUBLIC TRANSIT DIVISION CHAPTER 732 Division 40-0020(4)
STATEWIDE TRANSPORTATION IMPROVEMENT FUND (STIF)

Applicability. This section applies to all financial and programmatic records, supporting documents, statistical records, and other records of grantees. Records retention and access requirements shall apply to grantee contractors, subcontractors, and subgrantees. UPTD shall include this requirement in grantee contracts and/or subgrants. These records are: Records required to be maintained by this OAR or the terms of the Grant Agreement, or otherwise considered pertinent to STIF program requirements or the Master Agreement. Records executed electronically may be retained in that manner. Copies made by microfilming, photocopying, or similar methods may be substituted for the original records. Files must be accessible for possible

review, audit, or down-loading to paper copy when required. This section does not apply to records maintained by contractors or subcontractors.

UPTD shall maintain all financial records for at least 6 years after the Agency's final disbursement under the STIF Plan or grant agreement; and

UPTD shall maintain all records relating to Capital Assets for 3 years after disposition.

RECORDS DISPOSAL OR PURGING

All UPTD records that have reached their expiration date will be verified using the OAR Records Retention guide prior to purging. A log of all destroyed records will be maintained by the UPTD Records Specialist.

1. Records that have been stored and have reached their destruction date will be recycled or shredded depending on content and UPTD requirements.
2. Records that are confidential by law, those containing derogatory information ornegotiable instruments will be destroyed by shredding.
3. Records of non-sensitive nature may be recycled but only after careful inspection.
4. A list of all purged files will be sent once a year to the State Archive Division.

RESOURCES

Attorney General's Public Meetings and Records Manual: Table of Contents - Oregon Department of Justice (state.or.us)

Public Meetings and Records Law ORS 192.410-192.505
https://www.oregonlegislature.gov/bills_laws/ors/ors192.html

Attachments:

A. Public Records Request Form
B. Instructions for Requesting Public Records
C. Fees for Services

Public Records Request

UPTD
3076 NE Diamond Lake Blvd.
Roseburg, OR 97470
541-671-3691

Submit request to: General Manager

Name: _____ Phone: _____
Address: _____ E-Mail: _____
City/State/Zip: _____

Provide detailed description of documents requestedL (Attach additional sheet if needed)

_____
_____
_____
_____
_____
_____

REQUESTOR TO READ AND SIGN UPON SUBMITTING REQUEST

I understand that every person has a right to inspect any public record of a public body in, this state, except as otherwise provided by ORS 192.338 to 192.407. I understand that the documents or records requested may not be immediately available for my review and that I may need to make an appointment to review the documents or records. I acknowledge that there may be a cost for the research time to retrieve the requested records and costs for duplication of requested documents. If research time is required, I understand I will be notified of the estimated cost prior to retrieving the documents or records. I also understand that prepayment for research time and copies may be required. I acknowledge that any documents or records made available to review must not be disassembled and must be left intact, and that I cannot make copies myself.

_____ _____
Signature of Requestor Date

_____
Business Name *(if applicable)*

FOR INTERNAL USE ONLY - See Fee Schedule for costs Receipt # _____

Copies: $0.25 each (first 50 pages) # of Copies _____ $ _____
$0.15 each (50+ copies

Research Fee (First 1/2 hour, no charge) Time: _____ $ _____
Other media or materials:
_____ $ _____
_____ $ _____
_____ $ _____

Total Amount Received $ _____

Request Completed by: _____

RETURN THIS FORM TO GENERAL MANAGER

INSTRUCTIONS FOR REQUESTING PUBLIC RECORDS

1. Requests must be in writing using the form provided. (Please note, the District will not create a new document in response to a records request.)

2. Submit request to the General Manager, 3076 NE Diamond Lake Blvd., Roseburg, OR 97470.

3. The District shall respond to all requests as soon as practical and without unreasonable delay within five (5) business days or, within five (5) business days will explain why more time is needed for a full response.

4. If inspection of documents is preferred over copies, such inspection shall occur during normal business hours. An acceptable inspection time and place will be arranged between the requestor and the staff person. Space is provided for one person to inspect records per request.

5. The District will submit a cost estimate to the requestor to provide the requested documents, including copying charges, research time (if required), and separating exempt from non- exempt materials. There is no research cost for the first ½ hour of staff time. Requestor must confirm to the District to proceed with the request following receipt of the cost estimate.

6. If the estimated cost is $25.00 or more, the District shall require a deposit in the full amount of the estimate before fulfilling the request. If the actual cost exceeds the estimate, the District will not release the documents until the fee is received in full.

7. If the estimated cost is less than $25.00, the District will fulfill the request and present the requestor with an invoice to be paid before release of the documents.

8. If the record requested is in storage offsite at a District document storage facility, a fee is charged for its retrieval.

Fees for Services Associated with Public Records

Black & White and Color Copies	
1-50 Pages - Per Page	$0.25
50+ Pages - Per Page	$0.15
CD Duplication - Per event/meeting	$25.00
Copies of Sound Recordings	$10.00
Annual Budget - Per Copy	$25.00
Oregon Municipal Code Supplements – Per Printing	Varies
Returned Checks	$25.00
Carton Retreival from Document Storage - 1 Box	$35.00
Each Additional Box	$7.00
Research Cost: Staff hourly wage, plus benefits	Varies