

FROM MILES Cameron D * GOV
TO Robert Samuel White
DATE September 22, 2026, 5:29 PM PT
SUBJECT **RE: Public records request under ORS 192.311 to 192.478**
ATTACHED PRR Waiver or Reduction Information Form.pdf
DOCUMENT 01M35TPA3RXRP0HY3NM9JHDJ8F

We estimate the cost to collect, review, and produce the records to be \$572.50.

Fee Waiver Request Legal Standards

In reviewing a public records request fee waiver, we follow DAS Policy 107-001-030, the Attorney General's Public Records and Meetings Manual, and Oregon's public records law. DAS Policy 107-001-030 provides the following guidance:

- * To adequately balance the State's obligation to be transparent and accessible with the obligation to prudently safeguard public funds and resources, fee-waivers and -reductions should be granted when the statutory standard has been met - when disclosure will primarily benefit the general public.
- * A request to waive or reduce fees related to a public records request, that requires substantial agency resources to complete, may be denied if the interest of the general public would be better served by preserving agency resources.
- * The public interest is not a fixed concept and the balance of public interest may change over time. It may shift as information becomes older or in the light of issues of the day. The circumstances at the time of the request will be considered.
- * A genuine public interest in the subject matter of a request is required as the basis for granting a waiver. The public interest is not necessarily the same as what interests the public. The fact that a topic has been discussed in the media does not automatically mean that there is a public interest in disclosing the information that has been requested about it.

ORS 192.324 (5) allows the custodian of a public record to waive or reduce the fee associated with a public records request if disclosure of the record at issue "... primarily benefits the general public." Waiving or reducing fees is in the public interest "when the furnishing of the record has utility - indeed, its greatest utility - to the community or society as a whole." In *Def. of Animals v. Or. Health Sciences Univ.*, 199 Or App 160, 189 (2005). The custodian of the record may deny a request for a full or partial fee waiver even if disclosure would primarily benefit the public, provided that the denial is reasonable under the totality of the circumstances. *Id.* at 189-90.

Waiving or reducing fees in the public interest is distinct from situations where disclosure would primarily affect a concern or interest of a private individual. *Id.* at 188. Relevant factors to consider when determining whether a requester has established a sufficient public interest include: (1) the requester's identity, (2) the purpose for which the requester intends to use the information, (3) the

character of the information, (4) whether the requested information is already in the public domain, and (5) whether the requester can demonstrate the ability to disseminate the information to the public. See State of Oregon, Department of Justice, Atty. Gen. Public Records and Meetings Manual, 19-20 (2024).

Fee Waiver Request Analysis

Applying the relevant factors helps us determine whether the PRR is in the public interest. The requester has demonstrated that this request relates to a personal, rather than a public interest. Therefore, this factor does not weigh in favor of granting a fee waiver.

The second factor is the purpose for which the requester intends to use the information. The requester has not demonstrated that this factor weighs in favor of granting a fee waiver as the use of records for a personal issue does not weigh in favor of the request being in the public interest.

The third factor is the character of the information. The requester has not demonstrated that this factor weighs in favor of granting a fee waiver as the fee waiver request form does not explain how the release of records is in the public interest other than by stating a general interest in transparency.

The fourth factor is whether the requested information is already in the public domain. The requester has not demonstrated that this factor weighs in favor of granting a fee waiver.

The final factor is whether the requester can demonstrate the ability to disseminate the information to the public. The requester has not demonstrated the ability to disseminate the public records but merely stated that he can post it on a website.

Finally, in evaluating a public records request fee waiver the public body must consider whether, under the totality of the circumstances, a fee waiver is also in the public interest. When weighing the public interest in disclosure versus the public interest in preserving public funds, when none of the prescribed factors weigh in favor of the grant of a fee waiver, the grant of a fee waiver is not warranted.

Consequently, your request for a fee waiver is denied.

Fee Payment

I will wait to hear from you prior to proceeding with the collection and review of these records. If you decide to pay the \$572.50, we will send you instructions on submitting payment. Let me know if you have any questions. If you would like to narrow your request (for example by using a shorter date range, by searching only particular employee records, or by adding search terms), I would be happy to work with you.

Thanks,

Cameron D. Miles (he/him)

Government Accountability Attorney
Office of Governor Tina Kotek