

PUBLIC RECORDS KEEP THE GOVERNMENT TRANSPARENT

BY CAMILLA MORTENSEN

The federal Freedom of Information Act (FOIA) has allowed the public to request documents from any federal agency since 1967. In 1973, Oregon enacted its own Public Records and Public Meetings Laws, modeling it on the FOIA. These laws allow the media and the public to act as “watchdogs” over government, though Oregon’s law has weakened over the years.

Public records information allows citizens to expose the workings of government to scrutiny — it can be what governmental employees are being paid, what public money is being spent on, access to documents that make the workings of government more transparent and the list goes on. A citizen can ask for email exchanges between elected officials, contracts an agency has signed — athletic contracts are a popular request for the University of Oregon, which is a state institution — and myriad documents that bring government agencies, from local cities to the fed, into the sunlight and expose government wrongdoing.

Attorney Dave Bahr has a long worked on transparency issues and recently completed a term on the Freedom of Information Act Advisory Committee of the federal Office of Government Information Services. Bahr advises those seeking public records to start with the most basic thing: “Pick up the phone and walk into an office and interact person to person.”

Bahr says people tend to watch cop shows and “lawyer up” before they just start off treating a government employee like a human being and expecting to be treated like one in return. But sometimes, he says, the bureaucracy is only comfortable with the information being provided via a formal records request.

Oregon modeled its law on the FOIA but “kind of bungled it,” Bahr says. Under the FOIA, an agency must

working to improve Oregon’s open records law, and Rosenblum says the first item on the agenda is improving deadlines so that agencies respond within five days, and then provide the records or a reason why more time is needed in 10 more days, for a total of 15 days.

Bahr says that if an agency drags its heels or tries to weasel on providing records, “don’t take this crap at face value; push back. Don’t presume they will stonewall, but push back if they do.”

One way that government offices try to get out of providing records is by demanding excessive fees. If the public records request is in the public interest, Bahr says that under Oregon law the fees “may” be waived.

In a FOIA request, fee waivers “shall” be granted. That one word makes a lot of difference, according to Bahr.

It’s not that useful to be told by the city that a record request will be granted in 15 days if the requester is told it will cost \$2,500. Bahr says he “applauds the attorney general for fighting a winnable fight” in going after deadlines first, but “fees are and will remain a constant barrier.”

Bahr reminds citizens that they can appeal denials of fee waivers and denials of requests, and although lawyers like him are available, you don’t need an attorney to do it.

Find out more about Oregon’s public records at foiaadvocates.com, open-oregon.com or the Oregon Department of Justice goo.gl/i2gU14. FOIA.gov is home to information on the federal law. You can also check out all the exemptions to Oregon’s public records law at Investigate West’s Redacted online app: projects.invw.org/redacted.

A federal public records request is known as a FOIA –
**FREEDOM OF INFORMATION
ACT – REQUEST.**

A local or state request for government records is a
PUBLIC RECORDS REQUEST.

respond within 20 working days. In Oregon there is no deadline; however, the agency must respond in a “reasonable” amount of time.

Also, the federal FOIA has nine exemptions, or reasons that the records won’t be given, such as national security issues. Oregon Attorney General Ellen Rosenblum tells *EW* that, at last count, Oregon has more than 470 exemptions. The AG’s office public records task force is

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