

Greater Albany SD 8J
Board Policy

Code: **KBA**
Adopted: 1/12/76
Revised/Readopted: 3/12/01; 5/20/02; 4/09/18
Orig. Code(s): BP 8100

Public Records

Public records include any writing containing information relating to the conduct of the district's business. Writing means handwriting, typewriting, printing, photographing and every means of recording, including letters, words, pictures, sounds or symbols or combination thereof, and papers, maps, files, facsimiles, electronic recording and E-mail, including deleted E-mail on back-up. Public records do not include messages on voice mail or on other telephone message storage and retrieval systems.

The district will comply with Oregon law involving the inspection of public records.

Proper and reasonable opportunity will be provided to anyone wishing to inspect and examine records. Fees covering the actual costs of making records available, including: the physical protection and reproduction of materials, personnel costs and any other expense to the district, will be charged to the person or organization making the request, with the exception of auxiliary aids and services provided for qualified persons with disabilities upon request and with appropriate advance notice. Fees, or a portion thereof, may be assessed in advance, as deemed appropriate by the district. The district will not be obligated to complete a request for which the requester has not paid the fee as permitted by state law.

All public records may be inspected except those which are specifically exempted by law. The following matters are exempted and are not available for inspection:

1. Internal Advisory Communications Between Public Officials of a Confidential Nature. This applies to communications within the district or with other public bodies of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to any final determination of policy or action. This exemption shall not apply unless the public body shows that in the particular instance the public interest encouraging frank communications between officials and employees clearly outweighs the public interest in disclosure;
2. Confidential Disclosures by Citizens to the District. This applies to information submitted to the district in confidence and not otherwise required by law to be submitted. Where such information should reasonably be considered confidential, and when the public interest would suffer by the disclosure, the district has obliged itself in good faith not to disclose the information;
3. Personal Privacy Exemption. This applies to information of a personal nature such as that kept in a personal, medical or similar file, if the public disclosure thereof would constitute an unreasonable invasion of privacy, unless the public interest by clear and convincing evidence requires disclosure in the particular instance;
4. Test Questions. Exempt from disclosure are test questions, scoring keys and other examination data used to administer a licensing examination, examination for employment or academic examination, before the examination, is given, and if the examination is to be used again;

5. Real Estate Appraisals and related information prior to acquisition of the property;
6. Student Records. Student records are confidential;
7. Personnel Files. Personnel files are open to the employee and only to others as officially designated by the Board or the employee.

The district shall not, in accordance with state law, disclose personal information for the purpose of enforcement of federal immigration laws.

Guidelines for the dissemination, inspection and examination of the public records of the district will be set forth in administrative regulation.

END OF POLICY

Legal Reference(s):

[ORS Chapter 192](#)

[OAR 137-004-0800\(1\)](#)

[OAR 166-400](#)

SB 481 (2017)

HB 3464 (2017)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2012); 29 C.F.R. Part 1630 (2017); 28 C.F.R. Part 35 (2017).

OREGON DEP'T OF JUSTICE, OREGON ATTORNEY GENERAL, *Public Records and Meetings Manual* (2014).

Americans with Disabilities Act Amendments Act of 2008.