

## Requests for Public Records Held by PERS

### 1. HOW TO REQUEST PUBLIC RECORDS

<b>GENERAL PUBLIC (including subpoenas)</b>
<p><b>Send your request to:</b>            Alan Smith            Records Officer            P.O. Box 23700            Tigard, OR 97281-3700            Email: <a href="mailto:Alan.Smith@state.or.us">Alan.Smith@state.or.us</a>            Fax: 503-431-8952</p>

<b>MEDIA</b>
<p><b>Send your request to:</b>            David Crosley            Communications Officer            P.O. Box 23700            Tigard, OR 97281-3700            Email: <a href="mailto:David.Crosley@state.or.us">David.Crosley@state.or.us</a>            Fax: 503-598-1218</p>

You must submit a written request for public records held by PERS. Please sign and date your request if submitted in person, by mail, or fax. Email requests are also acceptable.

You must include your name, address, and telephone number or other contact information when requesting a public record. The request must include a sufficiently detailed description of the record(s) you are requesting so PERS can search for and identify responsive public records.

PERS will respond to your request as soon as practicable.

### 2. PERS' RESPONSE

PERS will review your request and provide one of the following responses (along with other information pertinent to your request):

- We have enclosed copies of all requested public records for which PERS does not claim an exemption from disclosure under Oregon Revised Statute 192.502 or Oregon Administrative Rule 459-060-0020.
- PERS does not possess the records you requested.
- PERS is the custodian of some or all of the requested public records. Staff time will be necessary to make these records available (see "Fees" section for information on staff time costs). If you are still interested in obtaining the records, please let us know and we will provide an estimated cost. PERS must receive payment of the actual costs and fees before we will provide the records.
- Statute prohibits PERS from acknowledging whether the requested records exist.
- You have requested PERS member(s) records that are confidential and Oregon law conditionally exempts records containing personal information from public disclosure.

**ORS 192.502** The following public records are exempt from disclosure under ORS 192.410 to 192.505:

(2) Information of a personal nature such as but not limited to 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. The party seeking disclosure shall have the burden of showing that public disclosure would not constitute an unreasonable invasion of privacy.

(12) Employee and retiree address, telephone number and other nonfinancial membership records and employee financial records maintained by the Public Employees Retirement System pursuant to ORS chapters 238 and 238A.

**OAR 459-060-0020**

(1) ORS 192.502(12) unconditionally exempts from public disclosure a member’s nonfinancial membership records and an active or inactive member’s financial records maintained by PERS. PERS shall not release such records to anyone other than the member, an authorized representative of the member, or the member’s estate except:

(a) Upon the written authorization of the member, or an individual that is legally authorized to act on behalf of the member or the member’s estate as to PERS matters; or

(b) As otherwise provided in OAR 459-060-0030.

(2) ORS 192.502(2) conditionally exempts from public disclosure a retired member’s financial information maintained by PERS. PERS shall not release such records to anyone other than the member, an authorized representative of the member, or the member’s estate unless:

(a) To do so would not constitute an unreasonable invasion of privacy and there is clear and convincing evidence that disclosure is in the public’s interest;

(b) PERS receives written authorization from the member, or an individual that is legally authorized to act on behalf of the member or the member’s estate as to PERS matters; or

(c) Release is provided for under OAR 459-060-0030.

**3. FEES**

Fees are charged to recoup the cost of locating and producing public records requests in accordance with Oregon Revised Statute 192.440 and Oregon Administrative Rule 459-060-0010(5) & (6).

We will provide a cost estimate to provide the records. Payment is required before we can fulfill the request.

PERS’ fee schedule is shown below.

Item	Cost
Photocopies	\$0.25 per page for the first 20 pages \$0.15 per page for additional pages
Facsimiles (faxes)	\$1.00 per page, excluding cover sheet
Compact disk/DVD	\$5.00 each
Audio tape/audio to CD	\$1.00 each
Video tape (VHS)	\$2.00 each
Certified copy by notary	\$5.00 per notary signature
Staff time (minus the first 15 minutes)	Number of hours x employee hourly rate
Postage/freight	Weight based on United States Postal Service rates for first class or priority mail
Indirect costs/third-party charges	Based on invoice or estimated fees