

STANDARD OPERATING GUIDELINE - 5.1.6

TOPIC - RESPONSE REPORT DISCLOSURE

PURPOSE:

To promote understanding of our responsibility regarding Oregon public records disclosure requirements.

GENERAL:

As stated in policy 5.1.3, the District maintains a distinct commitment to Oregon public records disclosure requirements. The District will make available for inspection all public records not exempt from disclosure to any person, organization, or agency making such requests. All alarm response reports are generally considered public records. However, there may be some elements of each report which may be exempt from disclosure. The District will exercise sufficient care to assure that information that would be regarded as an unreasonable invasion of privacy will not be disclosed.

GUIDELINE:

1. Only authorized personnel should release information to the public. Only the designated Information Officer is authorized to release information while the District is still actively involved at the emergency scene.
2. Release of information or reports, to the public, of any incident must be determined on a case-by-case basis after review of the facts and circumstances of the incident. However, only when there is no overriding public interest in disclosure may the District lawfully withhold information.
3. Information that would be public knowledge to a bystander at a District station, at the scene, or would otherwise be available through public access is generally regarded as being subject to disclosure. Such information may include the following:
 - a. The fact that a call for service was received.
 - b. Time of the call.
 - c. Time of arrival on the scene.
 - d. Weather conditions.
 - e. Location of the response.
 - f. General nature of the incident (MVA, medical, fire, etc.).
 - g. Description of responding apparatus.
 - h. Names, and number of District personnel who responded.
 - i. General activities of District personnel (extricated victims, extinguished fire, treated victims, etc.).
 - j. Manner in which the call was received.
 - k. If a victim was transported to a hospital facility.

- l. The name of the hospital facility.
 - m. Time that the incident was concluded.
4. The effects of the release of an individual's name, address, or other information of a personal nature contained in a public body's records must be carefully considered prior to disclosure. If disclosure of personal information would constitute an unreasonable invasion of privacy or would otherwise place that person in jeopardy then it may be exempt.
5. The name of a victim should not be released to the public until such time as the victim's family is notified.
6. Personal information contained in medical records is expressly exempt from disclosure to the public. The condition of the victim and specific medical information should not be released to the public.
7. The age and birth date of an individual should not be released to the public.
8. The individual or their agent has the right to all information concerning that individual.
9. Prior to the release of any personal information the District must receive assurances that the person making the request has the appropriate authorization.
 - Photo identification of the individual if the request is made in person.
 - A properly executed, legal, release of information document.
 - A subpoena from a court having jurisdiction.
10. Prior to the public release of emergency response records the District must evaluate the record line-by-line to segregate information which would be considered exempt from disclosure. Those portions of a document deemed exempt should be blacked out or otherwise deleted from the document prior to release. When in doubt consult competent legal counsel.
11. An individual may request that the District not disclose their home address or personal telephone number for safety reasons by following the procedures and meeting the requirements outlined in OAR 137-04-100.
12. Prior to releasing any information contained in personnel evaluations be sure to consult competent legal counsel.

13. All communications between attorney and client are privileged and must not be released to the public. Be sure to consult competent legal counsel whenever the request is for records of a personal, and potentially privileged nature.
14. The District is required to provide to the public reasonable opportunities to inspect non-exempt records. This is usually accomplished by being available to receive records requests during established office hours. District personnel are not required to stop projects in progress to satisfy the records request.
15. Care must be exercised to assure that original records of the District are not altered or lost during inspection by the public. A representative of the District must be present while an individual is inspecting an original record.