

NWNW Policy for Public Records
Adopted by the NWNW Board, March 9, 2011

Documents created through official action by the NWNW Coalition or a member neighborhood association—including minutes, agendas, bylaws, articles of incorporation, policies and formal correspondence—are public record.

Documents not created through official action may also be public record; if presented to the NWNW Coalition, they will be given to the organization to which they pertain within five business days.

Said organization shall determine whether the documents are public record as per the applicable requirements of the *ONI Standards**.

Copies of public records will be made available by the coalition staff or by the neighborhood association to which they pertain in a timely manner upon request. Reasonable costs for copying may be charged.

The NWNW Coalition is not authorized to release documents in its custody which have not been determined to be public records.

**Standards for Neighborhood Association, District Coalitions, Business District Associations, and the Office of Neighborhood Involvement (July 13, 2005 or the most current revision.)*

Introduction to the NWNW Records Management Program

Jennifer Kirk, Information and Outreach Coordinator

Neighbors West-Northwest works with neighborhood associations and their volunteers to store and collect materials that enhance the organization's missions and current or historic work. It works with the City of Portland Archives to ensure permanent access to materials created by neighborhood volunteers that reference work related to land use, livability, transportation and other issues as determined by neighborhood.

- Repository for Neighborhood Records
- Provide access according to existing policies
- Intake records/materials according to existing policies
- Retain records according to retention schedule or neighborhood policy (whichever is longer)

NWNW works with neighborhoods to determine priorities;

- identify what records neighborhoods have;
- organize extant materials to ensure compliance with records policies and ensure ease of access;
- provide physical and intellectual distinction between records groups to preserve distinct identities of each organization;
- maintain/create philosophical connections between similar records groups

NWNW avoids:

- Duplicating efforts of other collecting archives/organizations
- Having weak relationships with organizations that result in lack of current records/materials

NWNW must:

- Communicate regularly with neighborhoods about relationship
- Be clear about control of records
- Promote creation of policies to maintain clear and efficient roles/responsibilities

Neighborhood Boards must:

- Be informed about the state of their records
- Understand and ask questions about records retention
- Make decisions about the management of their records
- Articulate decisions to NWNW

Sent: Thursday, December 16, 2010 12:00 PM

You asked for guidance related to a recent public records request that Neighbors West/Northwest (NWNW) provide copies of certain emails related to a neighborhood association in NW.

I spoke about your questions with Ben Walters, the chief deputy city attorney who provides support for the Office of Neighborhood Involvement.

We agreed on the following:

--Clarification: The formal requirements of the Oregon Public Records Law do not apply to Portland's neighborhood system. (The city made a conscious decision to exempt the neighborhood system from these requirements, instead requiring neighborhood associations and district coalitions/offices to comply with the open records requirements in the ONI Standards.)

--A district coalition office that receives a request for records of a neighborhood association should refer the request to the particular neighborhood association, even if the coalition office has the neighborhood records being requested in its possession. The coalition is not required to make the records available without first referring the request to the neighborhood association.

--Records, including emails, that pertain to the business of a neighborhood association are subject to a public records request under ONI Standards. Content that does not deal with neighborhood association business, but is personal in nature, is not subject to a public records request.

--If a document has a mix of both (neighborhood business and personal content), the neighborhood association can black out the portions of the document that do not relate to neighborhood business before making it available to the person requesting the document.

Please let me know if this is the information you needed.

Thanks,

Paul

Paul Leistner
Neighborhood Program Coordinator
City of Portland, Office of Neighborhood Involvement

MANAGING NEIGHBORHOOD RECORDS

BOARD TRAINING

WHAT IS A PUBLIC RECORD?

- **“Records”** include any **writing**, or part thereof, containing information relating to the conduct of the business of a Neighborhood Association or District Coalition that is prepared, owned, used, or retained by the Neighborhood Association or District Coalition. **“Writing”** means any means of recording information, electronic or non-electronic.¹
- Minutes, agendas, bylaws, articles of incorporation, policies, formal correspondence² and any email dealing with organizational business are public record.
- Documents not created through official action may also be public record; the neighborhood board determines this. If records are presented to NWNW, they will be given to the organization to which they pertain within five business days. Said organization shall determine whether the documents are public record as per the applicable requirements of the *ONI Standards*^{*3}.
- The formal requirements of the Oregon Public Records Law do not apply to PDX's neighborhood system.

STORING & ACCESSING NEIGHBORHOOD RECORDS

Records retention & NA Current Strategies

- Neighborhood Associations shall promptly deliver copies of their minutes, bylaws, articles of incorporation, records of tax-exempt status, and records of grievances to the District Coalitions with which they are affiliated⁴
 - Volunteers post agendas and minutes to the NWDA website (for board and committees)
 - Volunteers also email agendas and minutes to records@nwnw.org
- Custodians shall retain records for a period of time determined by their type (Records Retention Schedule available upon request)
 - Staff maintain physical and electronic archives at the coalition office
 - Ready reference for staff and neighborhood volunteers
 - Consistent, secure storage
- The City of Portland holds a significant portion of older records that have been transferred from the coalition office and NWDA custody (approved by board July 2010).
 - Here they will be catalogued and open for reference. This frees up current storage facilities at the coalition office and provides secure, stable records storage permanently.
 - Coalition and PARC staff are available to assist neighborhood volunteers in finding documents that are stored at PARC
 - For more information contact records@nwnw.org

WHY ARCHIVE?

- Access for public, members, and board
- Board reference (now and in the future)
- Compliance
- Neighborhood History

¹ ONI Standards, pg. 39

² Documents created through official action by the NWNW Coalition or a member neighborhood association are public record.

³ Neighbors West-Northwest, **Policy for Public Records**, Adopted by the NWNW Board, March 9, 2011

⁴ ONI Standards, pg. 45.

What about email?

To archive emails, NWNW maintains a board email distribution list and an archive address set up as follows:

- e. g. board@xxna forwards messages to the individual email accounts of all board members and to an archive email at Gmail—each association has an associated Gmail archive.
 - Any emails intended for the entire board sent to an email group will automatically go into the Gmail archive.
- If an email is NA business but is not sent to the email group (if, for example, it is sent only to selected board recipients or to staff) the sender will need to cc the Gmail archive.
- **As best practice**, members can use the email group distribution list for all board business.
- **As best practice**, if board members and staff notice a public record email has not been forwarded to the archive, they should forward it.
- The archive email uses Gmail as a proxy mail server, archiving application, and offsite storage
 - Search functions are comparable to those of Outlook and other mail archiving programs

PUBLIC RECORDS REQUESTS – NWNW POLICY

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NWNW Procedure

- Routinely provide minutes, agendas, bylaws, articles of incorporation, policies and formal correspondence for public access.
- Notify neighborhood chair and/or board that a request has been received
- Request that board members review materials to determine if they are public record
- Request any outstanding public records be given to the coalition for inclusion in the request
- Respond to requestor in a timely manner

ROLES AND RESPONSIBILITIES

Neighborhood Board

- Provide records to NWNW and communicate about records needs
- Actively manage your records
- Follow email **best practices**
- Notify coalition of any requests
- Review and release public records in a timely manner upon receiving a request

Coalition Staff

- Collaborate with NWDA about custody of neighborhood records
- Provide trainings and updates about neighborhood records
- Notify board about requests
- Fulfill public records requests in a timely manner

NWNW Neighborhood Association Membership Review: Principles and Policies

Administrative Support

Neighbors West-Northwest provides administrative support to coalition member neighborhood associations.

Eligibility for Membership

Neighborhood associations define membership eligibility in their organizations' bylaws and/or articles of incorporation.

Right to Membership

Under the ONI Standards, membership is a right: if a person wishes to become a member s/he activates that right by request, and membership is automatically granted if s/he meets the criteria. Membership may not be withheld because of an error in application.

Membership Lists

Membership lists are not public record. They are property of the neighborhood association.

Membership list review is initiated by the neighborhood association. The usual purpose for such review is to keep the list up-to-date--removing names of former members who have moved, are deceased, or otherwise no longer meet eligibility requirements. Since membership is a right, failure to meet membership requirements is the only criterion allowed for the removal of names from the database. Neighborhood association representatives appointed by the neighborhood association board will be responsible for determining which names should be removed. NWNW staff can provide suggestions for list review procedures based on the experiences of other neighborhood associations.

If an individual's membership is challenged, it is the responsibility of the neighborhood association board to investigate the qualification. In compliance with the principles above, only the board or its appointees may make such an investigation. The neighborhood association board must approve the removal of members. In handling individuals' personal and professional information, the board must exercise the utmost care lest it find itself open to civil action.

Staff will be responsible for the actual removal of names from the database as authorized by the neighborhood association.