

Ordinance Number 2008-01. Amended by
Resolution No. 2011-386, dated December 8, 2011.

Original Date: June 13, 2008
Subject: Access to and Copying of Tribal Public
Records

SILETZ PUBLIC RECORDS ORDINANCE

Siletz Tribal Code § 2.900

§ 2.900 Purpose and Authority.

The Siletz Tribal Council enacts this Ordinance to establish formal procedures for access to tribal government records and to respond to requests to copy tribal government records. The Tribal Council has authority under Article IV, Section 1 of the Siletz Constitution to exercise the legislative authority of the Confederated Tribes of Siletz Indians of Oregon, including the authority to enact Ordinances.

§2.901 Policy and Scope.

It is the policy of the Siletz Tribe to make tribal government records available to tribal members, where providing access to such records or allowing tribal members to copy such records does not interfere with tribal government operations, does not compromise the reasonable confidentiality expectations of tribal members and tribal government in their records and activities, does not jeopardize the confidential government or legal activities of the Tribe, or where access to records is not otherwise restricted by applicable tribal, federal or state law. The policy that will guide application and interpretation of this Ordinance is that tribal members generally have an interest in access to tribal documents that affect them, or that involve general tribal government activities. Non-members have an interest in access to tribal documents and records only as required by law, or as determined by tribal officials to be consistent with the interests of the Tribe.

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The General Manager of the Siletz Tribe or his or her designee(s) shall be responsible for implementing this Ordinance. The policy and intent of this Ordinance shall be applied flexibly to accomplish reasonable access to tribal records while protecting legitimate tribal and tribal member interests. The General Manager may impose reasonable restrictions on access to, use or copying of, and distribution of tribal records.

§ 2.902 Definitions.

- (a) “Tribe” shall mean the tribal government of the Confederated Tribes of Siletz Indians of Oregon as a whole, or any department, committee or administrative office of the Tribe exercising executive branch governmental authority delegated by the Tribal Council pursuant to Article IV, Section 1 of the Tribe’s Constitution. The definition of Tribe for purposes of this Ordinance shall not include the Judicial Branch of the Siletz Tribe, or business operations or entities of the Siletz Tribe.
- (b) “Tribal member” shall mean an enrolled member of the Siletz Tribe.
- (c) “Tribal record” shall mean any item, collection or grouping of information that is created or maintained by the Tribe, in paper, electronic or other recorded format. Where a tribal record is generated or circulated in draft form, and is subject to finalization, correction and/or approval, this Ordinance shall apply only to the tribal record in its final form.
- (d) “Responding manager” means the highest officer or employee of each tribal department, office or committee of the Tribe, and includes the General Manager of the Tribe. In all cases, the General Manager of the Siletz Tribe is the ultimate tribal official with decision-making authority under this Ordinance.
- (e) “Confidential documents” means documents not subject to disclosure pursuant to this Ordinance because of confidentiality as provided for by applicable tribal, federal or state law. The Tribe shall keep a non-inclusive list of documents or document types not subject to disclosure pursuant to this Ordinance, as well as a non-inclusive list of documents and document

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types subject to routine disclosure without requiring specific review by a Responding manager, and shall update such lists from time-to-time. Names, addresses and roll numbers of tribal members will be generally available in label form to tribal members. A tribal member may affirmatively opt out in writing from making their addresses available to other tribal members, such that their address may only be used for official tribal purposes. Any request by a tribal member for names, addresses or roll numbers will be submitted on a form developed by tribal administration.

[Amended by Resolution No. 2011-386, Dec. 8, 2011]

§ 2.903 Procedure for Access to or Copying of Tribal Records by Tribal Members.

Requests by tribal members for access to or copying of tribal records shall be made to the Responding manager of the Tribe, or of a tribal department, committee, or office. The Responding manager may, if appropriate or otherwise necessary, route a request for access to tribal records to the General Manager of the Tribe for response. In the case of the Siletz Tribal Council, requests for records shall be made to the Tribal Council Executive Secretary. If appropriate, the Responding manager shall, in conjunction with the requesting tribal member, reduce a request for access to or to copy tribal records to writing so the request is clear. The Responding manager shall in all cases notify the General Manager of the Tribe by appropriate means of requests for access to or copies of tribal records.

A tribal member requesting access to or copies of tribal records shall provide proof of tribal enrollment at the time such request is made. The Responding manager shall have authority to request additional verification and proof of tribal enrollment in cases where tribal membership is not clear.

The Responding manager will attempt to respond to requests for access to tribal records or for copies of tribal records in a reasonable period of time, given the press of tribal business and the manager's regular duties. No time limit shall be imposed on a request for access to or to

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copy tribal records. If a tribal member believes a request for tribal records is taking too long, the tribal member may appeal his or her request for tribal records to the General Manager of the Tribe, who shall have final authority to decide and act on the request.

While reasonable attempts will be made to respond to requests for copies of tribal records by tribal members without cost, the General Manager of the Tribe shall have discretionary authority to impose reasonable fees for copying of tribal records, particularly for requests for voluminous records.

If a request for access to tribal records or to copy tribal records is denied for confidentiality or other grounds, the Responding manager shall set out the ground(s) for the denial in writing. Denial of a request for access to or copies of tribal records may be appealed to the General Manager of the Tribe, whose decision shall be final and not subject to further review. The General Manager may take decision-making authority for any request for access to or for copies of tribal records after receiving notice of a request from a Responding manager. In such case, the decision of the General Manager of the Tribe shall be final for the Tribe and not subject to further review.

The Responding manager may impose reasonable restrictions on access to tribal records, on the use of records provided or copied, and on the future distribution of such records. If appropriate, the Responding manager shall put such restrictions in writing, and require the requesting tribal member to agree to those restrictions in writing before access to the records or copying of the records is allowed. Such acknowledgment may also include a consent to tribal court jurisdiction to enforce the terms of the restriction. Notice of any such restrictions shall be provided to the General Manager of the Tribe. A tribal member may request that the General Manager of the Tribe review any restrictions placed on access to or copies of tribal records. The General Manager's decision on this review is a final decision for the Tribe, and not subject to further review.

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§ 2.904 **Procedure for Access to or Copying of Tribal Records by Non-members of the Siletz Tribe.**

The General Manager of the Tribe shall have sole and exclusive discretionary authority to approve or disapprove any request for access to or copies of tribal records made by a non-member of the Tribe. The General Manager may impose any appropriate condition on access to or copying of tribal records by non-members of the Tribe, including but not limited to restrictions on use or distribution of such records. Any request for access to or copying of tribal records by a non-member of the Tribe, if approved, shall be reduced to writing and acknowledged in writing by the non-member, and shall include express written consent to the jurisdiction of the Siletz Tribe and to the Siletz Tribal Court for any dispute arising out of a request for access to or to copy tribal records, or for violation of a restriction related to access to, copying of, or distribution or use of, tribal records.

§ 2.905 **Sovereign Immunity is Not Waived.**

The sovereign immunity of the Siletz Tribe, the Tribal Council, tribal offices, departments, officials, employees, contractors or agents is not waived by this Ordinance.

§ 2.906 **Severability.**

If any provision of this Ordinance or its application to any person, entity or circumstance is held to be invalid under the Siletz Constitution or other law by the Siletz Tribal Court, the remainder of this Ordinance shall not be affected.