

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	8 - 0 - 0
Yeas:	Cameron, Clem, Conger, Matthews, Sheehan, Smith J., Holvey, Whisnant
Nays:	0
Exc.:	0
Prepared By:	Jan Nordlund, Administrator
Meeting Dates:	2/10, 3/1, 3/31, 4/12

WHAT THE MEASURE DOES: Modifies the definition of public record to include information in any form capable of retention; is prepared, owned, used, or retained by a public body; and relates to the work of a public body. Excludes from definition of public records in disclosure statutes any electronic metadata and any records properly destroyed but still recoverable. Requires each state agency to have a written policy on use, retention, and ownership of public records and that it be approved by the State Archivist. Excludes Judicial Department records from the definition of public record in public records retention statutes. Applies to public records in existence on the effective date of the Act or created on or after the effective date of the Act.

ISSUES DISCUSSED:

- Technology changes since public records law adoption in 1961
- Email, social media, Twitter
- Need to exclude Judicial Department
- Position of Oregon Association of Broadcasters and Oregon Newspaper Publishers Association
- Whether a record must be submitted to a public body to be considered a public record

EFFECT OF COMMITTEE AMENDMENT: Modifies definition of public record to specify that record must be prepared, owned, used, or retained by a public body. Excludes from definition of public records any electronic metadata and records that have been properly destroyed but are still recoverable and applies the definition to public records inspection statutes. Excludes Judicial Department records from the definition of public record in public records retention statutes.

BACKGROUND: Current law defines a public record as any “writing” that contains information relating to the conduct of the public’s business. House Bill 2244-A updates the statute to reflect that records in other forms are common with today’s technology. While the expanded definition of public record pertains to all public bodies, only state agencies would be affected by the written policy requirement in House Bill 2244-A. By requiring approval of the written policy, the Secretary of State would like to ensure appropriate statewide standards are being followed to protect the valuable records of the state.