

**A-Engrossed**  
**House Bill 2244**

Ordered by the House April 18  
Including House Amendments dated April 18

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Health Care for Secretary of State Kate Brown)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Modifies definition of "public record" for purposes of public records retention and disclosure laws. Applies to public records in existence on effective date of Act or created on or after effective date of Act.

Requires state agencies to adopt written policies regarding use, access, retention and ownership of public records. Requires policies to be submitted to State Archivist for approval before policies take effect.

**Modifies definition of "public record" for purposes of laws related to archiving of public records.**

**A BILL FOR AN ACT**

Relating to public records; creating new provisions; and amending ORS 192.005, 192.410 and 192.501.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 192.410 is amended to read:

192.410. As used in ORS 192.410 to 192.505:

(1) "Custodian" means:

(a) The person described in ORS 7.110 for purposes of court records; or

(b) A public body mandated, directly or indirectly, to create, maintain, care for or control a public record. "Custodian" does not include a public body that has custody of a public record as an agent of another public body that is the custodian unless the public record is not otherwise available.

(2) "Person" includes any natural person, corporation, partnership, firm, association or member or committee of the Legislative Assembly.

(3) "Public body" includes every state officer, agency, department, division, bureau, board and commission; every county and city governing body, school district, special district, municipal corporation, and any board, department, commission, council, or agency thereof; and any other public agency of this state.

*[(4)(a) "Public record" includes any writing that contains information relating to the conduct of the public's business, including but not limited to court records, mortgages, and deed records, prepared, owned, used or retained by a public body regardless of physical form or characteristics.]*

*[(b) "Public record" does not include any writing that does not relate to the conduct of the public's business and that is contained on a privately owned computer.]*

**(4) "Public record":**

**(a) Means any information that:**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

- 1       **(A) Exists in any form capable of retention by a custodian;**
- 2       **(B) Is prepared, owned, used or retained by a public body; and**
- 3       **(C) Relates to an activity, transaction or function of a public body; and**
- 4       **(b) Does not include:**

5       **(A) A record that has been destroyed in conformity with the applicable retention period**  
6 **established by the State Archivist under ORS 192.105, without regard to whether the record**  
7 **could be recovered by the public body; or**

8       **(B) Electronic metadata.**

9       (5) "State agency" means any state officer, department, board, commission or court created by  
10 the Constitution or statutes of this state but does not include the Legislative Assembly or its mem-  
11 bers, committees, officers or employees insofar as they are exempt under section 9, Article IV of the  
12 Oregon Constitution.

13       [(6) "Writing" means handwriting, typewriting, printing, photographing and every means of re-  
14 cording, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers,  
15 maps, files, facsimiles or electronic recordings.]

16       **SECTION 2.** ORS 192.501 is amended to read:

17       192.501. The following public records are exempt from disclosure under ORS 192.410 to 192.505  
18 unless the public interest requires disclosure in the particular instance:

19       (1) Records of a public body pertaining to litigation to which the public body is a party if the  
20 complaint has been filed, or if the complaint has not been filed, if the public body shows that such  
21 litigation is reasonably likely to occur. This exemption does not apply to litigation which has been  
22 concluded, and nothing in this subsection shall limit any right or opportunity granted by discovery  
23 or deposition statutes to a party to litigation or potential litigation.

24       (2) Trade secrets. "Trade secrets," as used in this section, may include, but are not limited to,  
25 any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or  
26 compilation of information which is not patented, which is known only to certain individuals within  
27 an organization and which is used in a business it conducts, having actual or potential commercial  
28 value, and which gives its user an opportunity to obtain a business advantage over competitors who  
29 do not know or use it.

30       (3) Investigatory information compiled for criminal law purposes. The record of an arrest or the  
31 report of a crime shall be disclosed unless and only for so long as there is a clear need to delay  
32 disclosure in the course of a specific investigation, including the need to protect the complaining  
33 party or the victim. Nothing in this subsection shall limit any right constitutionally guaranteed, or  
34 granted by statute, to disclosure or discovery in criminal cases. For purposes of this subsection, the  
35 record of an arrest or the report of a crime includes, but is not limited to:

36       (a) The arrested person's name, age, residence, employment, marital status and similar bi-  
37 ographical information;

38       (b) The offense with which the arrested person is charged;

39       (c) The conditions of release pursuant to ORS 135.230 to 135.290;

40       (d) The identity of and biographical information concerning both complaining party and victim;

41       (e) The identity of the investigating and arresting agency and the length of the investigation;

42       (f) The circumstances of arrest, including time, place, resistance, pursuit and weapons used; and

43       (g) Such information as may be necessary to enlist public assistance in apprehending fugitives  
44 from justice.

45       (4) Test questions, scoring keys, and other data used to administer a licensing examination,

1 employment, academic or other examination or testing procedure before the examination is given  
2 and if the examination is to be used again. Records establishing procedures for and instructing  
3 persons administering, grading or evaluating an examination or testing procedure are included in  
4 this exemption, to the extent that disclosure would create a risk that the result might be affected.

5 (5) Information consisting of production records, sale or purchase records or catch records, or  
6 similar business records of a private concern or enterprise, required by law to be submitted to or  
7 inspected by a governmental body to allow it to determine fees or assessments payable or to estab-  
8 lish production quotas, and the amounts of such fees or assessments payable or paid, to the extent  
9 that such information is in a form which would permit identification of the individual concern or  
10 enterprise. This exemption does not include records submitted by long term care facilities as defined  
11 in ORS 442.015 to the state for purposes of reimbursement of expenses or determining fees for pa-  
12 tient care. Nothing in this subsection shall limit the use which can be made of such information for  
13 regulatory purposes or its admissibility in any enforcement proceeding.

14 (6) Information relating to the appraisal of real estate prior to its acquisition.

15 (7) The names and signatures of employees who sign authorization cards or petitions for the  
16 purpose of requesting representation or decertification elections.

17 (8) Investigatory information relating to any complaint filed under ORS 659A.820 or 659A.825,  
18 until such time as the complaint is resolved under ORS 659A.835, or a final order is issued under  
19 ORS 659A.850.

20 (9) Investigatory information relating to any complaint or charge filed under ORS 243.676 and  
21 663.180.

22 (10) Records, reports and other information received or compiled by the Director of the De-  
23 partment of Consumer and Business Services under ORS 697.732.

24 (11) Information concerning the location of archaeological sites or objects as those terms are  
25 defined in ORS 358.905, except if the governing body of an Indian tribe requests the information and  
26 the need for the information is related to that Indian tribe's cultural or religious activities. This  
27 exemption does not include information relating to a site that is all or part of an existing, commonly  
28 known and publicized tourist facility or attraction.

29 (12) A personnel discipline action, or materials or documents supporting that action.

30 (13) Information developed pursuant to ORS 496.004, 496.172 and 498.026 or ORS 496.192 and  
31 564.100, regarding the habitat, location or population of any threatened species or endangered spe-  
32 cies.

33 (14) [*Writings*] **Documents or other information** prepared by or under the direction of faculty  
34 of public educational institutions, in connection with research, until publicly released, copyrighted  
35 or patented.

36 (15) Computer programs developed or purchased by or for any public body for its own use. As  
37 used in this subsection, "computer program" means a series of instructions or statements which  
38 permit the functioning of a computer system in a manner designed to provide storage, retrieval and  
39 manipulation of data from such computer system, and any associated documentation and source  
40 material that explain how to operate the computer program. "Computer program" does not include:

41 (a) The original data, including but not limited to numbers, text, voice, graphics and images;

42 (b) Analyses, compilations and other manipulated forms of the original data produced by use of  
43 the program; or

44 (c) The mathematical and statistical formulas which would be used if the manipulated forms of  
45 the original data were to be produced manually.

1 (16) Data and information provided by participants to mediation under ORS 36.256.

2 (17) Investigatory information relating to any complaint or charge filed under ORS chapter 654,  
3 until a final administrative determination is made or, if a citation is issued, until an employer re-  
4 ceives notice of any citation.

5 (18) Specific operational plans in connection with an anticipated threat to individual or public  
6 safety for deployment and use of personnel and equipment, prepared or used by a public body, if  
7 public disclosure of the plans would endanger an individual's life or physical safety or jeopardize a  
8 law enforcement activity.

9 (19)(a) Audits or audit reports required of a telecommunications carrier. As used in this para-  
10 graph, "audit or audit report" means any external or internal audit or audit report pertaining to a  
11 telecommunications carrier, as defined in ORS 133.721, or pertaining to a corporation having an af-  
12 filiated interest, as defined in ORS 759.390, with a telecommunications carrier that is intended to  
13 make the operations of the entity more efficient, accurate or compliant with applicable rules, pro-  
14 cedures or standards, that may include self-criticism and that has been filed by the telecommuni-  
15 cations carrier or affiliate under compulsion of state law. "Audit or audit report" does not mean an  
16 audit of a cost study that would be discoverable in a contested case proceeding and that is not  
17 subject to a protective order; and

18 (b) Financial statements. As used in this paragraph, "financial statement" means a financial  
19 statement of a nonregulated corporation having an affiliated interest, as defined in ORS 759.390,  
20 with a telecommunications carrier, as defined in ORS 133.721.

21 (20) The residence address of an elector if authorized under ORS 247.965 and subject to ORS  
22 247.967.

23 (21) The following records, communications and information submitted to a housing authority  
24 as defined in ORS 456.005, or to an urban renewal agency as defined in ORS 457.010, by applicants  
25 for and recipients of loans, grants and tax credits:

26 (a) Personal and corporate financial statements and information, including tax returns;

27 (b) Credit reports;

28 (c) Project appraisals;

29 (d) Market studies and analyses;

30 (e) Articles of incorporation, partnership agreements and operating agreements;

31 (f) Commitment letters;

32 (g) Project pro forma statements;

33 (h) Project cost certifications and cost data;

34 (i) Audits;

35 (j) Project tenant correspondence requested to be confidential;

36 (k) Tenant files relating to certification; and

37 (L) Housing assistance payment requests.

38 (22) Records or information that, if disclosed, would allow a person to:

39 (a) Gain unauthorized access to buildings or other property;

40 (b) Identify those areas of structural or operational vulnerability that would permit unlawful  
41 disruption to, or interference with, services; or

42 (c) Disrupt, interfere with or gain unauthorized access to public funds or to information pro-  
43 cessing, communication or telecommunication systems, including the information contained in the  
44 systems, that are used or operated by a public body.

45 (23) Records or information that would reveal or otherwise identify security measures, or

1 weaknesses or potential weaknesses in security measures, taken or recommended to be taken to  
2 protect:

3 (a) An individual;

4 (b) Buildings or other property;

5 (c) Information processing, communication or telecommunication systems, including the infor-  
6 mation contained in the systems; or

7 (d) Those operations of the Oregon State Lottery the security of which are subject to study and  
8 evaluation under ORS 461.180 (6).

9 (24) Personal information held by or under the direction of officials of the Oregon Health and  
10 Science University or the Oregon University System about a person who has or who is interested  
11 in donating money or property to the university, the system or a state institution of higher educa-  
12 tion, if the information is related to the family of the person, personal assets of the person or is  
13 incidental information not related to the donation.

14 (25) The home address, professional address and telephone number of a person who has or who  
15 is interested in donating money or property to the Oregon University System.

16 (26) Records of the name and address of a person who files a report with or pays an assessment  
17 to a commodity commission established under ORS 576.051 to 576.455, the Oregon Beef Council  
18 created under ORS 577.210 or the Oregon Wheat Commission created under ORS 578.030.

19 (27) Information provided to, obtained by or used by a public body to authorize, originate, re-  
20 ceive or authenticate a transfer of funds, including but not limited to a credit card number, payment  
21 card expiration date, password, financial institution account number and financial institution routing  
22 number.

23 (28) Social Security numbers as provided in ORS 107.840.

24 (29) The electronic mail address of a student who attends a state institution of higher education  
25 listed in ORS 352.002 or Oregon Health and Science University.

26 (30) The name, home address, professional address or location of a person that is engaged in,  
27 or that provides goods or services for, medical research at Oregon Health and Science University  
28 that is conducted using animals other than rodents. This subsection does not apply to Oregon Health  
29 and Science University press releases, websites or other publications circulated to the general pub-  
30 lic.

31 (31) If requested by a public safety officer, as defined in ORS 181.610:

32 (a) The home address and home telephone number of the public safety officer contained in the  
33 voter registration records for the public safety officer.

34 (b) The home address and home telephone number of the public safety officer contained in re-  
35 cords of the Department of Public Safety Standards and Training.

36 (c) The name of the public safety officer contained in county real property assessment or taxa-  
37 tion records. This exemption:

38 (A) Applies only to the name of the public safety officer and any other owner of the property  
39 in connection with a specific property identified by the officer in a request for exemption from dis-  
40 closure;

41 (B) Applies only to records that may be made immediately available to the public upon request  
42 in person, by telephone or using the Internet;

43 (C) Applies until the public safety officer requests termination of the exemption;

44 (D) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for  
45 governmental purposes; and

1 (E) May not result in liability for the county if the name of the public safety officer is disclosed  
2 after a request for exemption from disclosure is made under this subsection.

3 (32) Unless the public records request is made by a financial institution, as defined in ORS  
4 706.008, consumer finance company licensed under ORS chapter 725, mortgage banker or mortgage  
5 broker licensed under ORS 86A.095 to 86A.198, 86A.990 and 86A.992 and ORS chapter 59, or title  
6 company for business purposes, records described in paragraph (a) of this subsection, if the ex-  
7 emption from disclosure of the records is sought by an individual described in paragraph (b) of this  
8 subsection using the procedure described in paragraph (c) of this subsection:

9 (a) The home address, home or cellular telephone number or personal electronic mail address  
10 contained in the records of any public body that has received the request that is set forth in:

11 (A) A warranty deed, deed of trust, mortgage, lien, deed of reconveyance, release, satisfaction,  
12 substitution of trustee, easement, dog license, marriage license or military discharge record that is  
13 in the possession of the county clerk; or

14 (B) Any public record of a public body other than the county clerk.

15 (b) The individual claiming the exemption from disclosure must be a district attorney, a deputy  
16 district attorney, the Attorney General or an assistant attorney general, the United States Attorney  
17 for the District of Oregon or an assistant United States attorney for the District of Oregon, a city  
18 attorney who engages in the prosecution of criminal matters or a deputy city attorney who engages  
19 in the prosecution of criminal matters.

20 (c) The individual claiming the exemption from disclosure must do so by filing the claim in  
21 writing with the public body for which the exemption from disclosure is being claimed on a form  
22 prescribed by the public body. Unless the claim is filed with the county clerk, the claim form shall  
23 list the public records in the possession of the public body to which the exemption applies. The ex-  
24 emption applies until the individual claiming the exemption requests termination of the exemption  
25 or ceases to qualify for the exemption.

26 (33) Land management plans required for voluntary stewardship agreements entered into under  
27 ORS 541.423.

28 (34) Sensitive business records or financial or commercial information of the State Accident In-  
29 surance Fund Corporation that is not customarily provided to business competitors. This exemption  
30 does not:

31 (a) Apply to the formulas for determining dividends to be paid to employers insured by the State  
32 Accident Insurance Fund Corporation;

33 (b) Apply to contracts for advertising, public relations or lobbying services or to documents re-  
34 lated to the formation of such contracts;

35 (c) Apply to group insurance contracts or to documents relating to the formation of such con-  
36 tracts, except that employer account records shall remain exempt from disclosure as provided in  
37 ORS 192.502 (35); or

38 (d) Provide the basis for opposing the discovery of documents in litigation pursuant to the ap-  
39 plicable rules of civil procedure.

40 (35) Records of the Department of Public Safety Standards and Training relating to investi-  
41 gations conducted under ORS 181.662 or 181.878 (6), until the department issues the report described  
42 in ORS 181.662 or 181.878.

43 (36) A medical examiner's report, autopsy report or laboratory test report ordered by a medical  
44 examiner under ORS 146.117.

45 **SECTION 3.** ORS 192.501, as amended by section 3, chapter 455, Oregon Laws 2005, section 7,

1 chapter 608, Oregon Laws 2007, section 2, chapter 687, Oregon Laws 2007, section 2, chapter 48,  
2 Oregon Laws 2008, section 3, chapter 57, Oregon Laws 2009, section 2, chapter 135, Oregon Laws  
3 2009, section 4, chapter 222, Oregon Laws 2009, and section 2, chapter 769, Oregon Laws 2009, is  
4 amended to read:

5 192.501. The following public records are exempt from disclosure under ORS 192.410 to 192.505  
6 unless the public interest requires disclosure in the particular instance:

7 (1) Records of a public body pertaining to litigation to which the public body is a party if the  
8 complaint has been filed, or if the complaint has not been filed, if the public body shows that such  
9 litigation is reasonably likely to occur. This exemption does not apply to litigation which has been  
10 concluded, and nothing in this subsection shall limit any right or opportunity granted by discovery  
11 or deposition statutes to a party to litigation or potential litigation.

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13 any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or  
14 compilation of information which is not patented, which is known only to certain individuals within  
15 an organization and which is used in a business it conducts, having actual or potential commercial  
16 value, and which gives its user an opportunity to obtain a business advantage over competitors who  
17 do not know or use it.

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19 report of a crime shall be disclosed unless and only for so long as there is a clear need to delay  
20 disclosure in the course of a specific investigation, including the need to protect the complaining  
21 party or the victim. Nothing in this subsection shall limit any right constitutionally guaranteed, or  
22 granted by statute, to disclosure or discovery in criminal cases. For purposes of this subsection, the  
23 record of an arrest or the report of a crime includes, but is not limited to:

24 (a) The arrested person's name, age, residence, employment, marital status and similar bi-  
25 ographical information;

26 (b) The offense with which the arrested person is charged;

27 (c) The conditions of release pursuant to ORS 135.230 to 135.290;

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30 (f) The circumstances of arrest, including time, place, resistance, pursuit and weapons used; and

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37 this exemption, to the extent that disclosure would create a risk that the result might be affected.

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4 purpose of requesting representation or decertification elections.

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6 until such time as the complaint is resolved under ORS 659A.835, or a final order is issued under  
7 ORS 659A.850.

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9 663.180.

10 (10) Records, reports and other information received or compiled by the Director of the De-  
11 partment of Consumer and Business Services under ORS 697.732.

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13 defined in ORS 358.905, except if the governing body of an Indian tribe requests the information and  
14 the need for the information is related to that Indian tribe's cultural or religious activities. This  
15 exemption does not include information relating to a site that is all or part of an existing, commonly  
16 known and publicized tourist facility or attraction.

17 (12) A personnel discipline action, or materials or documents supporting that action.

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19 564.100, regarding the habitat, location or population of any threatened species or endangered spe-  
20 cies.

21 (14) [*Writings*] **Documents or other information** prepared by or under the direction of faculty  
22 of public educational institutions, in connection with research, until publicly released, copyrighted  
23 or patented.

24 (15) Computer programs developed or purchased by or for any public body for its own use. As  
25 used in this subsection, "computer program" means a series of instructions or statements which  
26 permit the functioning of a computer system in a manner designed to provide storage, retrieval and  
27 manipulation of data from such computer system, and any associated documentation and source  
28 material that explain how to operate the computer program. "Computer program" does not include:

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31 the program; or

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33 the original data were to be produced manually.

34 (16) Data and information provided by participants to mediation under ORS 36.256.

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36 until a final administrative determination is made or, if a citation is issued, until an employer re-  
37 ceives notice of any citation.

38 (18) Specific operational plans in connection with an anticipated threat to individual or public  
39 safety for deployment and use of personnel and equipment, prepared or used by a public body, if  
40 public disclosure of the plans would endanger an individual's life or physical safety or jeopardize a  
41 law enforcement activity.

42 (19)(a) Audits or audit reports required of a telecommunications carrier. As used in this para-  
43 graph, "audit or audit report" means any external or internal audit or audit report pertaining to a  
44 telecommunications carrier, as defined in ORS 133.721, or pertaining to a corporation having an af-  
45 filiated interest, as defined in ORS 759.390, with a telecommunications carrier that is intended to



1 make the operations of the entity more efficient, accurate or compliant with applicable rules, pro-  
2 cedures or standards, that may include self-criticism and that has been filed by the telecommuni-  
3 cations carrier or affiliate under compulsion of state law. "Audit or audit report" does not mean an  
4 audit of a cost study that would be discoverable in a contested case proceeding and that is not  
5 subject to a protective order; and

6 (b) Financial statements. As used in this paragraph, "financial statement" means a financial  
7 statement of a nonregulated corporation having an affiliated interest, as defined in ORS 759.390,  
8 with a telecommunications carrier, as defined in ORS 133.721.

9 (20) The residence address of an elector if authorized under ORS 247.965 and subject to ORS  
10 247.967.

11 (21) The following records, communications and information submitted to a housing authority  
12 as defined in ORS 456.005, or to an urban renewal agency as defined in ORS 457.010, by applicants  
13 for and recipients of loans, grants and tax credits:

14 (a) Personal and corporate financial statements and information, including tax returns;

15 (b) Credit reports;

16 (c) Project appraisals;

17 (d) Market studies and analyses;

18 (e) Articles of incorporation, partnership agreements and operating agreements;

19 (f) Commitment letters;

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25 (L) Housing assistance payment requests.

26 (22) Records or information that, if disclosed, would allow a person to:

27 (a) Gain unauthorized access to buildings or other property;

28 (b) Identify those areas of structural or operational vulnerability that would permit unlawful  
29 disruption to, or interference with, services; or

30 (c) Disrupt, interfere with or gain unauthorized access to public funds or to information pro-  
31 cessing, communication or telecommunication systems, including the information contained in the  
32 systems, that are used or operated by a public body.

33 (23) Records or information that would reveal or otherwise identify security measures, or  
34 weaknesses or potential weaknesses in security measures, taken or recommended to be taken to  
35 protect:

36 (a) An individual;

37 (b) Buildings or other property;

38 (c) Information processing, communication or telecommunication systems, including the infor-  
39 mation contained in the systems; or

40 (d) Those operations of the Oregon State Lottery the security of which are subject to study and  
41 evaluation under ORS 461.180 (6).

42 (24) Personal information held by or under the direction of officials of the Oregon Health and  
43 Science University or the Oregon University System about a person who has or who is interested  
44 in donating money or property to the university, the system or a state institution of higher educa-  
45 tion, if the information is related to the family of the person, personal assets of the person or is

1 incidental information not related to the donation.

2 (25) The home address, professional address and telephone number of a person who has or who  
3 is interested in donating money or property to the Oregon University System.

4 (26) Records of the name and address of a person who files a report with or pays an assessment  
5 to a commodity commission established under ORS 576.051 to 576.455, the Oregon Beef Council  
6 created under ORS 577.210 or the Oregon Wheat Commission created under ORS 578.030.

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9 card expiration date, password, financial institution account number and financial institution routing  
10 number.

11 (28) Social Security numbers as provided in ORS 107.840.

12 (29) The electronic mail address of a student who attends a state institution of higher education  
13 listed in ORS 352.002 or Oregon Health and Science University.

14 (30) If requested by a public safety officer, as defined in ORS 181.610:

15 (a) The home address and home telephone number of the public safety officer contained in the  
16 voter registration records for the public safety officer.

17 (b) The home address and home telephone number of the public safety officer contained in re-  
18 cords of the Department of Public Safety Standards and Training.

19 (c) The name of the public safety officer contained in county real property assessment or taxa-  
20 tion records. This exemption:

21 (A) Applies only to the name of the public safety officer and any other owner of the property  
22 in connection with a specific property identified by the officer in a request for exemption from dis-  
23 closure;

24 (B) Applies only to records that may be made immediately available to the public upon request  
25 in person, by telephone or using the Internet;

26 (C) Applies until the public safety officer requests termination of the exemption;

27 (D) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for  
28 governmental purposes; and

29 (E) May not result in liability for the county if the name of the public safety officer is disclosed  
30 after a request for exemption from disclosure is made under this subsection.

31 (31) Unless the public records request is made by a financial institution, as defined in ORS  
32 706.008, consumer finance company licensed under ORS chapter 725, mortgage banker or mortgage  
33 broker licensed under ORS 86A.095 to 86A.198, 86A.990 and 86A.992 and ORS chapter 59, or title  
34 company for business purposes, records described in paragraph (a) of this subsection, if the ex-  
35 emption from disclosure of the records is sought by an individual described in paragraph (b) of this  
36 subsection using the procedure described in paragraph (c) of this subsection:

37 (a) The home address, home or cellular telephone number or personal electronic mail address  
38 contained in the records of any public body that has received the request that is set forth in:

39 (A) A warranty deed, deed of trust, mortgage, lien, deed of reconveyance, release, satisfaction,  
40 substitution of trustee, easement, dog license, marriage license or military discharge record that is  
41 in the possession of the county clerk; or

42 (B) Any public record of a public body other than the county clerk.

43 (b) The individual claiming the exemption from disclosure must be a district attorney, a deputy  
44 district attorney, the Attorney General or an assistant attorney general, the United States Attorney  
45 for the District of Oregon or an assistant United States attorney for the District of Oregon, a city

1 attorney who engages in the prosecution of criminal matters or a deputy city attorney who engages  
2 in the prosecution of criminal matters.

3 (c) The individual claiming the exemption from disclosure must do so by filing the claim in  
4 writing with the public body for which the exemption from disclosure is being claimed on a form  
5 prescribed by the public body. Unless the claim is filed with the county clerk, the claim form shall  
6 list the public records in the possession of the public body to which the exemption applies. The ex-  
7 emption applies until the individual claiming the exemption requests termination of the exemption  
8 or ceases to qualify for the exemption.

9 (32) Land management plans required for voluntary stewardship agreements entered into under  
10 ORS 541.423.

11 (33) Sensitive business records or financial or commercial information of the State Accident In-  
12 surance Fund Corporation that is not customarily provided to business competitors. This exemption  
13 does not:

14 (a) Apply to the formulas for determining dividends to be paid to employers insured by the State  
15 Accident Insurance Fund Corporation;

16 (b) Apply to contracts for advertising, public relations or lobbying services or to documents re-  
17 lated to the formation of such contracts;

18 (c) Apply to group insurance contracts or to documents relating to the formation of such con-  
19 tracts, except that employer account records shall remain exempt from disclosure as provided in  
20 ORS 192.502 (35); or

21 (d) Provide the basis for opposing the discovery of documents in litigation pursuant to the ap-  
22 plicable rules of civil procedure.

23 (34) Records of the Department of Public Safety Standards and Training relating to investi-  
24 gations conducted under ORS 181.662 or 181.878 (6), until the department issues the report described  
25 in ORS 181.662 or 181.878.

26 (35) A medical examiner's report, autopsy report or laboratory test report ordered by a medical  
27 examiner under ORS 146.117.

28 **SECTION 4. The amendments to ORS 192.410 and 192.501 by sections 1 to 3 of this 2011**  
29 **Act apply to public records in existence on the effective date of this 2011 Act or created on**  
30 **or after the effective date of this 2011 Act.**

31 **SECTION 5. Section 6 of this 2011 Act is added to and made a part of ORS 192.005 to**  
32 **192.170.**

33 **SECTION 6. (1) Each state agency shall have a written policy that sets forth the agency's**  
34 **use, retention and ownership of public records. The policy shall ensure that public records**  
35 **are being maintained and managed consistently within the agency from the time of creation**  
36 **of a public record to the time of final disposition of the public record.**

37 **(2) Each state agency shall submit the written policy and any subsequent amendment of**  
38 **the policy to the State Archivist for approval before the policy takes effect or the amend-**  
39 **ment to the policy takes effect.**

40 **SECTION 7. ORS 192.005 is amended to read:**

41 192.005. As used in ORS 192.005 to 192.170, unless the context requires otherwise:

42 (1) "Archivist" means the State Archivist.

43 (2) "Photocopy" includes a photograph, microphotograph and any other reproduction on paper  
44 or film in any scale.

45 (3) "Photocopying" means the process of reproducing, in the form of a photocopy, a public re-

1 cord or writing.

2 (4) "Political subdivision" means a city, county, district or any other municipal or public cor-  
3 poration in this state.

4 (5) "Public record" [*includes, but is not limited to, a document, book, paper, photograph, file, sound*  
5 *recording or machine readable electronic record, regardless of physical form or characteristics, made,*  
6 *received, filed or recorded in pursuance of law or in connection with the transaction of public business,*  
7 *whether or not confidential or restricted in use. "Public record"】:*

8 (a) **Means any information that:**

9 (A) **Exists in any form capable of retention by a custodian;**

10 (B) **Is prepared, owned, used or retained by a public body;**

11 (C) **Relates to an activity, transaction or function of a public body; and**

12 (D) **Is necessary to satisfy the fiscal, legal, administrative or historical policies, require-**  
13 **ments or needs of the public body.**

14 (b) Does not include:

15 [(a)] (A) Records of the Legislative Assembly, its committees, officers and employees.

16 [(b)] (B) Library and museum materials made or acquired and preserved solely for reference or  
17 exhibition purposes.

18 [(c)] (C) Records or information concerning the location of archaeological sites or objects as  
19 those terms are defined in ORS 358.905.

20 [(d)] (D) Extra copies of a document, preserved only for convenience of reference.

21 [(e)] (E) A stock of publications.

22 [(f)] (F) Messages on voice mail or on other telephone message storage and retrieval systems.

23 (G) **Records of the Judicial Department or its officers and employees.**

24 (6) "State agency":

25 (a) Means any state officer, department, board[,] or commission [*or court*] created by the Con-  
26 stitution or statutes of this state. [*However, "state agency"*]

27 (b) Does not include:

28 (A) The Legislative Assembly or its committees, officers and employees; or

29 (B) The Judicial Department or its officers and employees.

30