

House Bill 2244

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). 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 **as introduced**.

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.

A BILL FOR AN ACT

1
2 Relating to public records; creating new provisions; and amending ORS 192.410 and 192.501.

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

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

5 192.410. As used in ORS 192.410 to 192.505:

6 (1) "Custodian" means:

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

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

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

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

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

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

23 (b) **Is necessary to satisfy the fiscal, legal, administrative or historical policies, require-**
24 **ments or needs of the public body.**

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

27 (5) "State agency" means any state officer, department, board, commission or court created by
28 the Constitution or statutes of this state but does not include the Legislative Assembly or its mem-

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.

bers, committees, officers or employees insofar as they are exempt under section 9, Article IV of the Oregon Constitution.

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

SECTION 2. ORS 192.501 is amended to read:

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

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

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

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

- (a) The arrested person's name, age, residence, employment, marital status and similar biographical information;
- (b) The offense with which the arrested person is charged;
- (c) The conditions of release pursuant to ORS 135.230 to 135.290;
- (d) The identity of and biographical information concerning both complaining party and victim;
- (e) The identity of the investigating and arresting agency and the length of the investigation;
- (f) The circumstances of arrest, including time, place, resistance, pursuit and weapons used; and
- (g) Such information as may be necessary to enlist public assistance in apprehending fugitives from justice.

(4) Test questions, scoring keys, and other data used to administer a licensing examination, employment, academic or other examination or testing procedure before the examination is given and if the examination is to be used again. Records establishing procedures for and instructing persons administering, grading or evaluating an examination or testing procedure are included in this exemption, to the extent that disclosure would create a risk that the result might be affected.

(5) Information consisting of production records, sale or purchase records or catch records, or similar business records of a private concern or enterprise, required by law to be submitted to or inspected by a governmental body to allow it to determine fees or assessments payable or to establish production quotas, and the amounts of such fees or assessments payable or paid, to the extent that such information is in a form which would permit identification of the individual concern or enterprise. This exemption does not include records submitted by long term care facilities as defined

1 in ORS 442.015 to the state for purposes of reimbursement of expenses or determining fees for pa-
 2 tient care. Nothing in this subsection shall limit the use which can be made of such information for
 3 regulatory purposes or its admissibility in any enforcement proceeding.

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

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

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

10 (9) Investigatory information relating to any complaint or charge filed under ORS 243.676 and
 11 663.180.

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

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

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

20 (13) Information developed pursuant to ORS 496.004, 496.172 and 498.026 or ORS 496.192 and
 21 564.100, regarding the habitat, location or population of any threatened species or endangered spe-
 22 cies.

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

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

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

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

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

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

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

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

44 (19)(a) Audits or audit reports required of a telecommunications carrier. As used in this para-
 45 graph, "audit or audit report" means any external or internal audit or audit report pertaining to a

1 telecommunications carrier, as defined in ORS 133.721, or pertaining to a corporation having an af-
 2 filiated interest, as defined in ORS 759.390, with a telecommunications carrier that is intended to
 3 make the operations of the entity more efficient, accurate or compliant with applicable rules, pro-
 4 cedures or standards, that may include self-criticism and that has been filed by the telecommuni-
 5 cations carrier or affiliate under compulsion of state law. "Audit or audit report" does not mean an
 6 audit of a cost study that would be discoverable in a contested case proceeding and that is not
 7 subject to a protective order; and

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

11 (20) The residence address of an elector if authorized under ORS 247.965 and subject to ORS
 12 247.967.

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

- 16 (a) Personal and corporate financial statements and information, including tax returns;
- 17 (b) Credit reports;
- 18 (c) Project appraisals;
- 19 (d) Market studies and analyses;
- 20 (e) Articles of incorporation, partnership agreements and operating agreements;
- 21 (f) Commitment letters;
- 22 (g) Project pro forma statements;
- 23 (h) Project cost certifications and cost data;
- 24 (i) Audits;
- 25 (j) Project tenant correspondence requested to be confidential;
- 26 (k) Tenant files relating to certification; and
- 27 (L) Housing assistance payment requests.

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

- 29 (a) Gain unauthorized access to buildings or other property;
- 30 (b) Identify those areas of structural or operational vulnerability that would permit unlawful
 31 disruption to, or interference with, services; or
- 32 (c) Disrupt, interfere with or gain unauthorized access to public funds or to information pro-
 33 cessing, communication or telecommunication systems, including the information contained in the
 34 systems, that are used or operated by a public body.

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

- 38 (a) An individual;
- 39 (b) Buildings or other property;
- 40 (c) Information processing, communication or telecommunication systems, including the infor-
 41 mation contained in the systems; or
- 42 (d) Those operations of the Oregon State Lottery the security of which are subject to study and
 43 evaluation under ORS 461.180 (6).

44 (24) Personal information held by or under the direction of officials of the Oregon Health and
 45 Science University or the Oregon University System about a person who has or who is interested

1 in donating money or property to the university, the system or a state institution of higher educa-
2 tion, if the information is related to the family of the person, personal assets of the person or is
3 incidental information not related to the donation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (32) Unless the public records request is made by a financial institution, as defined in ORS
39 706.008, consumer finance company licensed under ORS chapter 725, mortgage banker or mortgage
40 broker licensed under ORS 86A.095 to 86A.198, 86A.990 and 86A.992 and ORS chapter 59, or title
41 company for business purposes, records described in paragraph (a) of this subsection, if the ex-
42 emption from disclosure of the records is sought by an individual described in paragraph (b) of this
43 subsection using the procedure described in paragraph (c) of this subsection:

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

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

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

5 (b) The individual claiming the exemption from disclosure must be a district attorney, a deputy
 6 district attorney, the Attorney General or an assistant attorney general, the United States Attorney
 7 for the District of Oregon or an assistant United States attorney for the District of Oregon, a city
 8 attorney who engages in the prosecution of criminal matters or a deputy city attorney who engages
 9 in the prosecution of criminal matters.

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

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

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

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

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

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

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

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

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

35 **SECTION 3.** ORS 192.501, as amended by section 3, chapter 455, Oregon Laws 2005, section 7,
 36 chapter 608, Oregon Laws 2007, section 2, chapter 687, Oregon Laws 2007, section 2, chapter 48,
 37 Oregon Laws 2008, section 3, chapter 57, Oregon Laws 2009, section 2, chapter 135, Oregon Laws
 38 2009, section 4, chapter 222, Oregon Laws 2009, and section 2, chapter 769, Oregon Laws 2009, is
 39 amended to read:

40 192.501. The following public records are exempt from disclosure under ORS 192.410 to 192.505
 41 unless the public interest requires disclosure in the particular instance:

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

1 or deposition statutes to a party to litigation or potential litigation.

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

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

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

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

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

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

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

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

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

23 (4) Test questions, scoring keys, and other data used to administer a licensing examination,
24 employment, academic or other examination or testing procedure before the examination is given
25 and if the examination is to be used again. Records establishing procedures for and instructing
26 persons administering, grading or evaluating an examination or testing procedure are included in
27 this exemption, to the extent that disclosure would create a risk that the result might be affected.

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

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

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

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

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44 663.180.

45 (10) Records, reports and other information received or compiled by the Director of the De-

1 partment of Consumer and Business Services under ORS 697.732.

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

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

8 (13) Information developed pursuant to ORS 496.004, 496.172 and 498.026 or ORS 496.192 and
9 564.100, regarding the habitat, location or population of any threatened species or endangered spe-
10 cies.

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

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

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

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

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

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

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

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

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

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

44 (20) The residence address of an elector if authorized under ORS 247.965 and subject to ORS
45 247.967.

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

- 4 (a) Personal and corporate financial statements and information, including tax returns;
- 5 (b) Credit reports;
- 6 (c) Project appraisals;
- 7 (d) Market studies and analyses;
- 8 (e) Articles of incorporation, partnership agreements and operating agreements;
- 9 (f) Commitment letters;
- 10 (g) Project pro forma statements;
- 11 (h) Project cost certifications and cost data;
- 12 (i) Audits;
- 13 (j) Project tenant correspondence requested to be confidential;
- 14 (k) Tenant files relating to certification; and
- 15 (L) Housing assistance payment requests.

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

- 17 (a) Gain unauthorized access to buildings or other property;
- 18 (b) Identify those areas of structural or operational vulnerability that would permit unlawful
 19 disruption to, or interference with, services; or
- 20 (c) Disrupt, interfere with or gain unauthorized access to public funds or to information pro-
 21 cessing, communication or telecommunication systems, including the information contained in the
 22 systems, that are used or operated by a public body.

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

- 26 (a) An individual;
- 27 (b) Buildings or other property;
- 28 (c) Information processing, communication or telecommunication systems, including the infor-
 29 mation contained in the systems; or
- 30 (d) Those operations of the Oregon State Lottery the security of which are subject to study and
 31 evaluation under ORS 461.180 (6).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (31) Unless the public records request is made by a financial institution, as defined in ORS
22 706.008, consumer finance company licensed under ORS chapter 725, mortgage banker or mortgage
23 broker licensed under ORS 86A.095 to 86A.198, 86A.990 and 86A.992 and ORS chapter 59, or title
24 company for business purposes, records described in paragraph (a) of this subsection, if the ex-
25 emption from disclosure of the records is sought by an individual described in paragraph (b) of this
26 subsection using the procedure described in paragraph (c) of this subsection:

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

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

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

33 (b) The individual claiming the exemption from disclosure must be a district attorney, a deputy
34 district attorney, the Attorney General or an assistant attorney general, the United States Attorney
35 for the District of Oregon or an assistant United States attorney for the District of Oregon, a city
36 attorney who engages in the prosecution of criminal matters or a deputy city attorney who engages
37 in the prosecution of criminal matters.

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

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

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

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

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

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

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

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

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

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

21 **SECTION 5. Section 6 of this 2011 Act is added to and made a part of ORS 192.005 to**
22 **192.170.**

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

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

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