

A-Engrossed
House Bill 2247

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.

Establishes that *[audit report of public body and related documents and other information are not disclosable until audit report is final]* **any document or other information related to audit of public body is not disclosable until final audit report is issued or audit is abandoned.**

A BILL FOR AN ACT

1
2 Relating to disclosure of government audit information; amending ORS 192.501.

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

4 **SECTION 1.** ORS 192.501 is 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.

12 (2) Trade secrets. "Trade secrets," as used in this section, may include, but are not limited to,
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.

18 (3) Investigatory information compiled for criminal law purposes. The record of an arrest or the
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;

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 (d) The identity of and biographical information concerning both complaining party and victim;
2 (e) The identity of the investigating and arresting agency and the length of the investigation;
3 (f) The circumstances of arrest, including time, place, resistance, pursuit and weapons used; and
4 (g) Such information as may be necessary to enlist public assistance in apprehending fugitives
5 from justice.

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

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

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

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

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

26 (9) Investigatory information relating to any complaint or charge filed under ORS 243.676 and
27 663.180.

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

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

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

36 (13) Information developed pursuant to ORS 496.004, 496.172 and 498.026 or ORS 496.192 and
37 564.100, regarding the habitat, location or population of any threatened species or endangered spe-
38 cies.

39 (14) Writings prepared by or under the direction of faculty of public educational institutions, in
40 connection with research, until publicly released, copyrighted or patented.

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

- 1 (a) The original data, including but not limited to numbers, text, voice, graphics and images;
2 (b) Analyses, compilations and other manipulated forms of the original data produced by use of
3 the program; or
4 (c) The mathematical and statistical formulas which would be used if the manipulated forms of
5 the original data were to be produced manually.
- 6 (16) Data and information provided by participants to mediation under ORS 36.256.
7 (17) Investigatory information relating to any complaint or charge filed under ORS chapter 654,
8 until a final administrative determination is made or, if a citation is issued, until an employer re-
9 ceives notice of any citation.
- 10 (18) Specific operational plans in connection with an anticipated threat to individual or public
11 safety for deployment and use of personnel and equipment, prepared or used by a public body, if
12 public disclosure of the plans would endanger an individual's life or physical safety or jeopardize a
13 law enforcement activity.
- 14 (19)(a) Audits or audit reports required of a telecommunications carrier. As used in this para-
15 graph, "audit or audit report" means any external or internal audit or audit report pertaining to a
16 telecommunications carrier, as defined in ORS 133.721, or pertaining to a corporation having an af-
17 filiated interest, as defined in ORS 759.390, with a telecommunications carrier that is intended to
18 make the operations of the entity more efficient, accurate or compliant with applicable rules, pro-
19 cedures or standards, that may include self-criticism and that has been filed by the telecommuni-
20 cations carrier or affiliate under compulsion of state law. "Audit or audit report" does not mean an
21 audit of a cost study that would be discoverable in a contested case proceeding and that is not
22 subject to a protective order; and
- 23 (b) Financial statements. As used in this paragraph, "financial statement" means a financial
24 statement of a nonregulated corporation having an affiliated interest, as defined in ORS 759.390,
25 with a telecommunications carrier, as defined in ORS 133.721.
- 26 (20) The residence address of an elector if authorized under ORS 247.965 and subject to ORS
27 247.967.
- 28 (21) The following records, communications and information submitted to a housing authority
29 as defined in ORS 456.005, or to an urban renewal agency as defined in ORS 457.010, by applicants
30 for and recipients of loans, grants and tax credits:
- 31 (a) Personal and corporate financial statements and information, including tax returns;
32 (b) Credit reports;
33 (c) Project appraisals;
34 (d) Market studies and analyses;
35 (e) Articles of incorporation, partnership agreements and operating agreements;
36 (f) Commitment letters;
37 (g) Project pro forma statements;
38 (h) Project cost certifications and cost data;
39 (i) Audits;
40 (j) Project tenant correspondence requested to be confidential;
41 (k) Tenant files relating to certification; and
42 (L) Housing assistance payment requests.
- 43 (22) Records or information that, if disclosed, would allow a person to:
44 (a) Gain unauthorized access to buildings or other property;
45 (b) Identify those areas of structural or operational vulnerability that would permit unlawful

1 disruption to, or interference with, services; or

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

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

8 (a) An individual;

9 (b) Buildings or other property;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (32) Unless the public records request is made by a financial institution, as defined in ORS
9 706.008, consumer finance company licensed under ORS chapter 725, mortgage banker or mortgage
10 broker licensed under ORS 86A.095 to 86A.198, 86A.990 and 86A.992 and ORS chapter 59, or title
11 company for business purposes, records described in paragraph (a) of this subsection, if the ex-
12 emption from disclosure of the records is sought by an individual described in paragraph (b) of this
13 subsection using the procedure described in paragraph (c) of this subsection:

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

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

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

20 (b) The individual claiming the exemption from disclosure must be a district attorney, a deputy
21 district attorney, the Attorney General or an assistant attorney general, the United States Attorney
22 for the District of Oregon or an assistant United States attorney for the District of Oregon, a city
23 attorney who engages in the prosecution of criminal matters or a deputy city attorney who engages
24 in the prosecution of criminal matters.

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

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

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

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

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

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

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

45 (35) Records of the Department of Public Safety Standards and Training relating to investi-

1 gations conducted under ORS 181.662 or 181.878 (6), until the department issues the report described
2 in ORS 181.662 or 181.878.

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

5 **(37) Any document or other information related to an audit of a public body, as defined**
6 **in ORS 174.109, that is in the custody of an auditor or audit organization operating under**
7 **nationally recognized government auditing standards, until the auditor or audit organization**
8 **issues a final audit report in accordance with those standards or the audit is abandoned. This**
9 **exemption does not prohibit disclosure of a draft audit report that is provided to the audited**
10 **entity for the entity's response to the audit findings.**

11 **SECTION 2.** ORS 192.501, as amended by section 3, chapter 455, Oregon Laws 2005, section 7,
12 chapter 608, Oregon Laws 2007, section 2, chapter 687, Oregon Laws 2007, section 2, chapter 48,
13 Oregon Laws 2008, section 3, chapter 57, Oregon Laws 2009, section 2, chapter 135, Oregon Laws
14 2009, section 4, chapter 222, Oregon Laws 2009, and section 2, chapter 769, Oregon Laws 2009, is
15 amended to read:

16 192.501. The following public records are exempt from disclosure under ORS 192.410 to 192.505
17 unless the public interest requires disclosure in the particular instance:

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

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

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

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

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

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

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

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

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

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

44 (4) Test questions, scoring keys, and other data used to administer a licensing examination,
45 employment, academic or other examination or testing procedure before the examination is given

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

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

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

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

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

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

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

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

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

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

32 (14) Writings prepared by or under the direction of faculty of public educational institutions, in
33 connection with research, until publicly released, copyrighted or patented.

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

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

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

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

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

45 (17) Investigatory information relating to any complaint or charge filed under ORS chapter 654,

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

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

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

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

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

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

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

25 (b) Credit reports;

26 (c) Project appraisals;

27 (d) Market studies and analyses;

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

29 (f) Commitment letters;

30 (g) Project pro forma statements;

31 (h) Project cost certifications and cost data;

32 (i) Audits;

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

34 (k) Tenant files relating to certification; and

35 (L) Housing assistance payment requests.

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

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

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

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

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

- 1 (a) An individual;
- 2 (b) Buildings or other property;
- 3 (c) Information processing, communication or telecommunication systems, including the infor-
- 4 mation contained in the systems; or
- 5 (d) Those operations of the Oregon State Lottery the security of which are subject to study and
- 6 evaluation under ORS 461.180 (6).
- 7 (24) Personal information held by or under the direction of officials of the Oregon Health and
- 8 Science University or the Oregon University System about a person who has or who is interested
- 9 in donating money or property to the university, the system or a state institution of higher educa-
- 10 tion, if the information is related to the family of the person, personal assets of the person or is
- 11 incidental information not related to the donation.
- 12 (25) The home address, professional address and telephone number of a person who has or who
- 13 is interested in donating money or property to the Oregon University System.
- 14 (26) Records of the name and address of a person who files a report with or pays an assessment
- 15 to a commodity commission established under ORS 576.051 to 576.455, the Oregon Beef Council
- 16 created under ORS 577.210 or the Oregon Wheat Commission created under ORS 578.030.
- 17 (27) Information provided to, obtained by or used by a public body to authorize, originate, re-
- 18 ceive or authenticate a transfer of funds, including but not limited to a credit card number, payment
- 19 card expiration date, password, financial institution account number and financial institution routing
- 20 number.
- 21 (28) Social Security numbers as provided in ORS 107.840.
- 22 (29) The electronic mail address of a student who attends a state institution of higher education
- 23 listed in ORS 352.002 or Oregon Health and Science University.
- 24 (30) If requested by a public safety officer, as defined in ORS 181.610:
- 25 (a) The home address and home telephone number of the public safety officer contained in the
- 26 voter registration records for the public safety officer.
- 27 (b) The home address and home telephone number of the public safety officer contained in re-
- 28 cords of the Department of Public Safety Standards and Training.
- 29 (c) The name of the public safety officer contained in county real property assessment or taxa-
- 30 tion records. This exemption:
- 31 (A) Applies only to the name of the public safety officer and any other owner of the property
- 32 in connection with a specific property identified by the officer in a request for exemption from dis-
- 33 closure;
- 34 (B) Applies only to records that may be made immediately available to the public upon request
- 35 in person, by telephone or using the Internet;
- 36 (C) Applies until the public safety officer requests termination of the exemption;
- 37 (D) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for
- 38 governmental purposes; and
- 39 (E) May not result in liability for the county if the name of the public safety officer is disclosed
- 40 after a request for exemption from disclosure is made under this subsection.
- 41 (31) Unless the public records request is made by a financial institution, as defined in ORS
- 42 706.008, consumer finance company licensed under ORS chapter 725, mortgage banker or mortgage
- 43 broker licensed under ORS 86A.095 to 86A.198, 86A.990 and 86A.992 and ORS chapter 59, or title
- 44 company for business purposes, records described in paragraph (a) of this subsection, if the ex-
- 45 emption from disclosure of the records is sought by an individual described in paragraph (b) of this

1 subsection using the procedure described in paragraph (c) of this subsection:

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

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

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

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

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

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

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

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

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

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

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

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

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

38 **(36) Any document or other information related to an audit of a public body, as defined**
39 **in ORS 174.109, that is in the custody of an auditor or audit organization operating under**
40 **nationally recognized government auditing standards, until the auditor or audit organization**
41 **issues a final audit report in accordance with those standards or the audit is abandoned. This**
42 **exemption does not prohibit disclosure of a draft audit report that is provided to the audited**
43 **entity for the entity's response to the audit findings.**

44