

HOUSE AMENDMENTS TO HOUSE BILL 2247

By COMMITTEE ON GENERAL GOVERNMENT AND CONSUMER PROTECTION

April 18

1 On page 1 of the printed bill, line 2, delete “192.502” and insert “192.501”.

2 Delete lines 4 through 31 and delete pages 2 through 7 and insert:

3 “**SECTION 1.** ORS 192.501 is amended to read:

4 “192.501. The following public records are exempt from disclosure under ORS 192.410 to 192.505
5 unless the public interest requires disclosure in the particular instance:

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

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

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

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

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

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

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

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

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

30 “(g) Such information as may be necessary to enlist public assistance in apprehending fugitives
31 from justice.

32 “(4) Test questions, scoring keys, and other data used to administer a licensing examination,
33 employment, academic or other examination or testing procedure before the examination is given
34 and if the examination is to be used again. Records establishing procedures for and instructing
35 persons administering, grading or evaluating an examination or testing procedure are included in

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

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

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

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

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

17 “(9) Investigatory information relating to any complaint or charge filed under ORS 243.676 and
18 663.180.

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

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

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

27 “(13) Information developed pursuant to ORS 496.004, 496.172 and 498.026 or ORS 496.192 and
28 564.100, regarding the habitat, location or population of any threatened species or endangered spe-
29 cies.

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

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

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

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

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

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

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

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

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

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

17 “(20) The residence address of an elector if authorized under ORS 247.965 and subject to ORS
18 247.967.

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

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

23 “(b) Credit reports;

24 “(c) Project appraisals;

25 “(d) Market studies and analyses;

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

27 “(f) Commitment letters;

28 “(g) Project pro forma statements;

29 “(h) Project cost certifications and cost data;

30 “(i) Audits;

31 “(j) Project tenant correspondence requested to be confidential;

32 “(k) Tenant files relating to certification; and

33 “(L) Housing assistance payment requests.

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

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

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

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

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

44 “(a) An individual;

45 “(b) Buildings or other property;

1 “(c) Information processing, communication or telecommunication systems, including the infor-
2 mation contained in the systems; or

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

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

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

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

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

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

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

22 “(30) The name, home address, professional address or location of a person that is engaged in,
23 or that provides goods or services for, medical research at Oregon Health and Science University
24 that is conducted using animals other than rodents. This subsection does not apply to Oregon
25 Health and Science University press releases, websites or other publications circulated to the gen-
26 eral public.

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

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

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

32 “(c) The name of the public safety officer contained in county real property assessment or tax-
33 ation records. This exemption:

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

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

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

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

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

44 “(32) Unless the public records request is made by a financial institution, as defined in ORS
45 706.008, consumer finance company licensed under ORS chapter 725, mortgage banker or mortgage

1 broker licensed under ORS 86A.095 to 86A.198, 86A.990 and 86A.992 and ORS chapter 59, or title
2 company for business purposes, records described in paragraph (a) of this subsection, if the ex-
3 emption from disclosure of the records is sought by an individual described in paragraph (b) of this
4 subsection using the procedure described in paragraph (c) of this subsection:

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

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

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

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

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

22 “(33) Land management plans required for voluntary stewardship agreements entered into under
23 ORS 541.423.

24 “(34) Sensitive business records or financial or commercial information of the State Accident
25 Insurance Fund Corporation that is not customarily provided to business competitors. This ex-
26 emption does not:

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

29 “(b) Apply to contracts for advertising, public relations or lobbying services or to documents
30 related to the formation of such contracts;

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

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

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

39 “(36) A medical examiner’s report, autopsy report or laboratory test report ordered by a medical
40 examiner under ORS 146.117.

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

1 **entity for the entity's response to the audit findings.**

2 **"SECTION 2.** ORS 192.501, as amended by section 3, chapter 455, Oregon Laws 2005, section
3 7, chapter 608, Oregon Laws 2007, section 2, chapter 687, Oregon Laws 2007, section 2, chapter 48,
4 Oregon Laws 2008, section 3, chapter 57, Oregon Laws 2009, section 2, chapter 135, Oregon Laws
5 2009, section 4, chapter 222, Oregon Laws 2009, and section 2, chapter 769, Oregon Laws 2009, is
6 amended to read:

7 "192.501. The following public records are exempt from disclosure under ORS 192.410 to 192.505
8 unless the public interest requires disclosure in the particular instance:

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

14 "(2) Trade secrets. 'Trade secrets,' as used in this section, may include, but are not limited to,
15 any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or
16 compilation of information which is not patented, which is known only to certain individuals within
17 an organization and which is used in a business it conducts, having actual or potential commercial
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19 do not know or use it.

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

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

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

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

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

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

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

33 "(g) Such information as may be necessary to enlist public assistance in apprehending fugitives
34 from justice.

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

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41 similar business records of a private concern or enterprise, required by law to be submitted to or
42 inspected by a governmental body to allow it to determine fees or assessments payable or to estab-
43 lish production quotas, and the amounts of such fees or assessments payable or paid, to the extent
44 that such information is in a form which would permit identification of the individual concern or
45 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.

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6 purpose of requesting representation or decertification elections.

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

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11 663.180.

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13 partment of Consumer and Business Services under ORS 697.732.

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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.

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21 564.100, regarding the habitat, location or population of any threatened species or endangered spe-
22 cies.

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

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26 used in this subsection, ‘computer program’ means a series of instructions or statements which per-
27 mit the functioning of a computer system in a manner designed to provide storage, retrieval and
28 manipulation of data from such computer system, and any associated documentation and source
29 material that explain how to operate the computer program. ‘Computer program’ does not include:

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32 of the program; or

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

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

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

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

43 “(19)(a) Audits or audit reports required of a telecommunications carrier. As used in this para-
44 graph, ‘audit or audit report’ means any external or internal audit or audit report pertaining to a
45 telecommunications carrier, as defined in ORS 133.721, or pertaining to a corporation having an af-

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

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

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

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

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

16 “(b) Credit reports;

17 “(c) Project appraisals;

18 “(d) Market studies and analyses;

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

20 “(f) Commitment letters;

21 “(g) Project pro forma statements;

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24 “(j) Project tenant correspondence requested to be confidential;

25 “(k) Tenant files relating to certification; and

26 “(L) Housing assistance payment requests.

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

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

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

37 “(a) An individual;

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40 mation contained in the systems; or

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

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

1 tion, if the information is related to the family of the person, personal assets of the person or is
2 incidental information not related to the donation.

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4 is interested in donating money or property to the Oregon University System.

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

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9 ceive or authenticate a transfer of funds, including but not limited to a credit card number, payment
10 card expiration date, password, financial institution account number and financial institution routing
11 number.

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

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

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

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

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

20 “(c) The name of the public safety officer contained in county real property assessment or tax-
21 ation records. This exemption:

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

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

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

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

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

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

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

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

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

44 “(b) The individual claiming the exemption from disclosure must be a district attorney, a deputy
45 district attorney, the Attorney General or an assistant attorney general, the United States Attorney

1 for the District of Oregon or an assistant United States attorney for the District of Oregon, a city
2 attorney who engages in the prosecution of criminal matters or a deputy city attorney who engages
3 in the prosecution of criminal matters.

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

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

12 “(33) Sensitive business records or financial or commercial information of the State Accident
13 Insurance Fund Corporation that is not customarily provided to business competitors. This ex-
14 emption does not:

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

17 “(b) Apply to contracts for advertising, public relations or lobbying services or to documents
18 related to the formation of such contracts;

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

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

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

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

29 “(36) **Any document or other information related to an audit of a public body, as defined**
30 **in ORS 174.109, that is in the custody of an auditor or audit organization operating under**
31 **nationally recognized government auditing standards, until the auditor or audit organization**
32 **issues a final audit report in accordance with those standards or the audit is abandoned. This**
33 **exemption does not prohibit disclosure of a draft audit report that is provided to the audited**
34 **entity for the entity’s response to the audit findings.”.**

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