

# Senate Bill 346

Sponsored by Senator ROSENBAUM (Presession filed.)

## 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**.

Exempts from disclosure under public records law audio recording of voice of caller to 9-1-1 emergency reporting system unless public interest requires disclosure. Creates exceptions. Allows any person to obtain transcript of audio recording.

## A BILL FOR AN ACT

1  
2 Relating to exemption from disclosure of audio recording of voice of caller to 9-1-1 emergency re-  
3 porting system; amending ORS 192.501.

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

5 **SECTION 1.** ORS 192.501 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (9) Investigatory information relating to any complaint or charge filed under ORS 243.676 and  
24 663.180.

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

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

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

33 (13) Information developed pursuant to ORS 496.004, 496.172 and 498.026 or ORS 496.192 and  
34 564.100, regarding the habitat, location or population of any threatened species or endangered spe-  
35 cies.

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

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

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

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

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

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

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

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

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

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

23 (20) The residence address of an elector if authorized under ORS 247.965 and subject to ORS  
24 247.967.

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

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

29 (b) Credit reports;

30 (c) Project appraisals;

31 (d) Market studies and analyses;

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

33 (f) Commitment letters;

34 (g) Project pro forma statements;

35 (h) Project cost certifications and cost data;

36 (i) Audits;

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

38 (k) Tenant files relating to certification; and

39 (L) Housing assistance payment requests.

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

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

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

44 (c) Disrupt, interfere with or gain unauthorized access to public funds or to information pro-  
45 cessing, communication or telecommunication systems, including the information contained in the

1 systems, that are used or operated by a public body.

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

5 (a) An individual;

6 (b) Buildings or other property;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (36) A medical examiner's report, autopsy report or laboratory test report ordered by a medical

1 examiner under ORS 146.117.

2 **(37)(a) An audio recording of the voice of a caller making an emergency call, as defined**  
 3 **in ORS 403.105, to a public safety answering point, as defined in ORS 403.105, unless the caller**  
 4 **consents to the disclosure or, if the caller is unable to consent, a parent, the spouse, a**  
 5 **guardian or another legally recognized representative of the caller consents to the disclo-**  
 6 **sure. When determining whether the public interest requires disclosure in the particular**  
 7 **instance, the interest to be balanced against the public's interest in disclosure is the caller's**  
 8 **interest in the privacy of the audio recording.**

9 **(b) Notwithstanding paragraph (a) of this subsection:**

10 **(A) The following may obtain an audio recording of the voice of a caller making an**  
 11 **emergency call to a public safety answering point:**

12 **(i) A district attorney, as defined in ORS 131.005.**

13 **(ii) A law enforcement officer, as defined in ORS 133.726.**

14 **(iii) An attorney for a defendant in a criminal proceeding, as defined in ORS 131.005, when**  
 15 **the audio recording could lead to the discovery of admissible evidence.**

16 **(iv) An emergency service agency, as defined in ORS 401.025, for use in training a quali-**  
 17 **fied emergency service volunteer, as defined in ORS 401.358.**

18 **(v) An employee of a 9-1-1 jurisdiction, as defined in ORS 403.105, for use in training an**  
 19 **employee of a 9-1-1 jurisdiction.**

20 **(vi) An employee of a rural fire protection district organized under ORS chapter 478 for**  
 21 **use in training an employee of a rural fire protection district.**

22 **(vii) A labor organization, as defined in ORS 663.005, for use in an action by an employer**  
 23 **against a member of the labor organization for the purpose of punishing the member.**

24 **(B) A person may obtain a transcript of an audio recording of the voice of a caller mak-**  
 25 **ing an emergency call to a public safety answering point.**

26 **SECTION 2.** ORS 192.501, as amended by section 3, chapter 455, Oregon Laws 2005, section 7,  
 27 chapter 608, Oregon Laws 2007, section 2, chapter 687, Oregon Laws 2007, section 2, chapter 48,  
 28 Oregon Laws 2008, section 3, chapter 57, Oregon Laws 2009, section 2, chapter 135, Oregon Laws  
 29 2009, section 4, chapter 222, Oregon Laws 2009, and section 2, chapter 769, Oregon Laws 2009, is  
 30 amended to read:

31 192.501. The following public records are exempt from disclosure under ORS 192.410 to 192.505  
 32 unless the public interest requires disclosure in the particular instance:

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

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

44 (3) Investigatory information compiled for criminal law purposes. The record of an arrest or the  
 45 report of a crime shall be disclosed unless and only for so long as there is a clear need to delay

1 disclosure in the course of a specific investigation, including the need to protect the complaining  
2 party or the victim. Nothing in this subsection shall limit any right constitutionally guaranteed, or  
3 granted by statute, to disclosure or discovery in criminal cases. For purposes of this subsection, the  
4 record of an arrest or the report of a crime includes, but is not limited to:

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

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

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

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

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

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

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

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

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

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

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

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

34 (9) Investigatory information relating to any complaint or charge filed under ORS 243.676 and  
35 663.180.

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

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

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

44 (13) Information developed pursuant to ORS 496.004, 496.172 and 498.026 or ORS 496.192 and  
45 564.100, regarding the habitat, location or population of any threatened species or endangered spe-

1 cies.

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

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

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

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

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

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

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

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

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

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

34 (20) The residence address of an elector if authorized under ORS 247.965 and subject to ORS  
35 247.967.

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

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

40 (b) Credit reports;

41 (c) Project appraisals;

42 (d) Market studies and analyses;

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

44 (f) Commitment letters;

45 (g) Project pro forma statements;



- 1 (h) Project cost certifications and cost data;
- 2 (i) Audits;
- 3 (j) Project tenant correspondence requested to be confidential;
- 4 (k) Tenant files relating to certification; and
- 5 (L) Housing assistance payment requests.
- 6 (22) Records or information that, if disclosed, would allow a person to:
  - 7 (a) Gain unauthorized access to buildings or other property;
  - 8 (b) Identify those areas of structural or operational vulnerability that would permit unlawful
  - 9 disruption to, or interference with, services; or
  - 10 (c) Disrupt, interfere with or gain unauthorized access to public funds or to information pro-
  - 11 cessing, communication or telecommunication systems, including the information contained in the
  - 12 systems, that are used or operated by a public body.
- 13 (23) Records or information that would reveal or otherwise identify security measures, or
- 14 weaknesses or potential weaknesses in security measures, taken or recommended to be taken to
- 15 protect:
  - 16 (a) An individual;
  - 17 (b) Buildings or other property;
  - 18 (c) Information processing, communication or telecommunication systems, including the infor-
  - 19 mation contained in the systems; or
  - 20 (d) Those operations of the Oregon State Lottery the security of which are subject to study and
  - 21 evaluation under ORS 461.180 (6).
- 22 (24) Personal information held by or under the direction of officials of the Oregon Health and
- 23 Science University or the Oregon University System about a person who has or who is interested
- 24 in donating money or property to the university, the system or a state institution of higher educa-
- 25 tion, if the information is related to the family of the person, personal assets of the person or is
- 26 incidental information not related to the donation.
- 27 (25) The home address, professional address and telephone number of a person who has or who
- 28 is interested in donating money or property to the Oregon University System.
- 29 (26) Records of the name and address of a person who files a report with or pays an assessment
- 30 to a commodity commission established under ORS 576.051 to 576.455, the Oregon Beef Council
- 31 created under ORS 577.210 or the Oregon Wheat Commission created under ORS 578.030.
- 32 (27) Information provided to, obtained by or used by a public body to authorize, originate, re-
- 33 ceive or authenticate a transfer of funds, including but not limited to a credit card number, payment
- 34 card expiration date, password, financial institution account number and financial institution routing
- 35 number.
- 36 (28) Social Security numbers as provided in ORS 107.840.
- 37 (29) The electronic mail address of a student who attends a state institution of higher education
- 38 listed in ORS 352.002 or Oregon Health and Science University.
- 39 (30) If requested by a public safety officer, as defined in ORS 181.610:
  - 40 (a) The home address and home telephone number of the public safety officer contained in the
  - 41 voter registration records for the public safety officer.
  - 42 (b) The home address and home telephone number of the public safety officer contained in re-
  - 43 cords of the Department of Public Safety Standards and Training.
  - 44 (c) The name of the public safety officer contained in county real property assessment or taxa-
  - 45 tion records. This exemption:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 **(36)(a) An audio recording of the voice of a caller making an emergency call, as defined**  
 9 **in ORS 403.105, to a public safety answering point, as defined in ORS 403.105, unless the caller**  
 10 **consents to the disclosure or, if the caller is unable to consent, a parent, the spouse, a**  
 11 **guardian or another legally recognized representative of the caller consents to the disclo-**  
 12 **sure. When determining whether the public interest requires disclosure in the particular**  
 13 **instance, the interest to be balanced against the public’s interest in disclosure is the caller’s**  
 14 **interest in the privacy of the audio recording.**

15 **(b) Notwithstanding paragraph (a) of this subsection:**

16 **(A) The following may obtain an audio recording of the voice of a caller making an**  
 17 **emergency call to a public safety answering point:**

18 **(i) A district attorney, as defined in ORS 131.005.**

19 **(ii) A law enforcement officer, as defined in ORS 133.726.**

20 **(iii) An attorney for a defendant in a criminal proceeding, as defined in ORS 131.005, when**  
 21 **the audio recording could lead to the discovery of admissible evidence.**

22 **(iv) An emergency service agency, as defined in ORS 401.025, for use in training a quali-**  
 23 **fied emergency service volunteer, as defined in ORS 401.358.**

24 **(v) An employee of a 9-1-1 jurisdiction, as defined in ORS 403.105, for use in training an**  
 25 **employee of a 9-1-1 jurisdiction.**

26 **(vi) An employee of a rural fire protection district organized under ORS chapter 478 for**  
 27 **use in training an employee of a rural fire protection district.**

28 **(vii) A labor organization, as defined in ORS 663.005, for use in an action by an employer**  
 29 **against a member of the labor organization for the purpose of punishing the member.**

30 **(B) A person may obtain a transcript of an audio recording of the voice of a caller mak-**  
 31 **ing an emergency call to a public safety answering point.**

32