

# House Bill 3481

Sponsored by Representative GOMBERG; Representatives DEMBROW, FREDERICK, GALLEGOS, REARDON, TOMEI, WITT, Senator ROBLAN

## 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**.

Requires Commissioner of Bureau of Labor and Industries to disclose data and information commissioner uses to determine prevailing rate of wage. Prohibits commissioner from disclosing information that would personally identify individual or entity that provides data or information.

Permits Employment Department to disclose data and information that department supplies to commissioner. Prohibits department from disclosing information that would personally identify individual or entity that provides data or information.

Becomes operative January 1, 2014.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to disclosures of information used to determine a prevailing rate of wage; creating new  
3 provisions; amending ORS 279C.815, 657.665 and 657.734; and declaring an emergency.

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

5 **SECTION 1.** ORS 279C.815 is amended to read:

6 279C.815. (1) As used in this section, "person" means an employer, a labor organization or an  
7 official representative of an employee or employer association.

8 (2)(a) The Commissioner of the Bureau of Labor and Industries at least once each year shall  
9 determine the prevailing rate of wage for workers in each trade or occupation in each locality de-  
10 scribed in ORS 279C.800 by means of an independent wage survey and shall make this information  
11 available at least twice each year. The commissioner may amend the rate at any time.

12 (b) If the data derived only from the survey described in paragraph (a) of this subsection appear  
13 to the commissioner to be insufficient to determine the prevailing rate of wage, the commissioner  
14 shall consider additional information such as collective bargaining agreements, other independent  
15 wage surveys and the prevailing rates of wage determined by appropriate federal agencies or agen-  
16 cies of adjoining states. If there is not a majority in the same trade or occupation paid at the same  
17 rate, the average rate of hourly wage, including all fringe benefits, paid in the locality to workers  
18 in the same trade or occupation is the prevailing rate. If the wage a contractor or subcontractor  
19 pays to workers on a **project for** public works is based on a period of time other than an hour, the  
20 **commissioner shall determine the** hourly wage [*must be*] mathematically [*determined*] by the  
21 number of hours worked in that period of time.

22 (3) A person [*shall*] **may** make reports and returns to the Bureau of Labor and Industries that  
23 the commissioner requires to determine the prevailing rates of wage, using forms the bureau pro-  
24 vides and within the time the commissioner prescribes. The person or an authorized representative  
25 of the person shall certify to the accuracy of the reports and returns.

26 [(4) *Notwithstanding ORS 192.410 to 192.505, reports and returns or other information provided*  
27 *to the commissioner under this section are confidential and not available for inspection by the public.*]

**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           [(5)] (4) The commissioner may enter into a contract with a public or private party to obtain  
 2 data and information the commissioner needs to determine the prevailing rate of wage. The contract  
 3 may provide for the manner and extent of the market review of affected trades and occupations and  
 4 for other requirements regarding timelines of reports, accuracy of data and information and super-  
 5 vision and review as the commissioner prescribes.

6           (5)(a) **The commissioner shall obtain from any public or private party with which the**  
 7 **commissioner enters into a contract under subsection (4) of this section copies of all survey**  
 8 **forms, documents or records used for data entry or in collecting or compiling data or infor-**  
 9 **mation the commissioner uses to determine the prevailing rate of wage.**

10           (b) **Except as provided in paragraph (c) of this subsection, any survey form, document**  
 11 **or record used for data entry and any other data or information the commissioner receives**  
 12 **or uses under this section for the purpose of determining the prevailing rate of wage is a**  
 13 **public record that is not exempt from disclosure. The commissioner shall disclose the data**  
 14 **or information in accordance with the procedures set forth in ORS 192.410 to 192.505.**

15           (c) **In disclosing data and information under paragraph (b) of this subsection, the com-**  
 16 **missioner may not disclose, and shall take affirmative measures to prevent disclosures of,**  
 17 **names, addresses, registration numbers, taxpayer identification numbers, other identification**  
 18 **numbers or other information that could personally identify an individual or entity that**  
 19 **provided data or information under this section.**

20           **SECTION 2.** ORS 657.665 is amended to read:

21           657.665. (1) Except as provided in subsections (2) to (4) of this section, all information in the  
 22 records of the Employment Department pertaining to the administration of the unemployment in-  
 23 surance, employment service and labor market information programs:

24           (a) Is confidential and for the exclusive use and information of the Director of the Employment  
 25 Department in administering the unemployment insurance, employment service and labor market  
 26 information programs in Oregon.

27           (b) May not be used in any court action or in any proceeding pending in the court unless the  
 28 director or the state is a party to the action or proceeding or unless the proceeding concerns the  
 29 establishment, enforcement or modification of a support obligation and support services are being  
 30 provided by the Division of Child Support or the district attorney pursuant to ORS 25.080.

31           (c) Is exempt from disclosure under ORS 192.410 to 192.505.

32           (2) The Employment Department shall disclose information:

33           (a) To any claimant or legal representative, at a hearing before an administrative law judge, to  
 34 the extent necessary for the proper presentation of an unemployment insurance claim.

35           (b) Upon request to the United States Secretary of Labor. The Employment Department shall  
 36 disclose the information in a form and containing the information that the United States Secretary  
 37 of Labor may require. The information disclosed is confidential and may not be used for any other  
 38 purpose.

39           (c) Pursuant to section 303(a)(7) of the Social Security Act, upon request to any agency of the  
 40 United States charged with the administration of public works or assistance through public em-  
 41 ployment. Under this paragraph, the Employment Department shall disclose the name, address, or-  
 42 dinary occupation and employment status of each recipient of unemployment insurance benefits and  
 43 a statement of the recipient's right to further benefits under this chapter. The information disclosed  
 44 is confidential and may not be used for any other purpose.

45           (d) Pursuant to section 303(c)(1) of the Social Security Act, to the Railroad Retirement Board.

1 Under this paragraph, the Employment Department shall disclose unemployment insurance records.  
2 The information disclosed is confidential and may not be used for any other purpose. The costs of  
3 disclosing information under this paragraph shall be paid by the board.

4 (e) Pursuant to section 303(d) of the Social Security Act, upon request to officers and employees  
5 of the United States Department of Agriculture and to officers or employees of any state Supple-  
6 mental Nutrition Assistance Program agency for the purpose of determining an individual's eligibil-  
7 ity for or the amount of supplemental nutrition assistance. The information disclosed is confidential  
8 and may not be used for any other purpose. The costs of disclosing information under this paragraph  
9 shall be paid by the United States Department of Agriculture.

10 (f) Pursuant to section 303(e)(1) and (2)(A)(ii) of the Social Security Act, to state or local child  
11 support enforcement agencies enforcing child support obligations under Title IV-D of the Social Se-  
12 curity Act for the purposes of establishing child support obligations, locating individuals owing child  
13 support obligations and collecting child support obligations from those individuals. The information  
14 disclosed is confidential and may not be used for any other purpose. The costs of disclosing infor-  
15 mation under this paragraph shall be paid by the child support enforcement agency.

16 (g) Pursuant to sections 303(f) and 1137 of the Social Security Act, to agencies participating in  
17 the income and eligibility verification system for the purpose of verifying an individual's eligibility  
18 for benefits, or the amount of benefits, under unemployment insurance, temporary assistance for  
19 needy families, Medicaid, the Supplemental Nutrition Assistance Program, Supplemental Security  
20 Income, child support enforcement or Social Security programs. The information disclosed is confi-  
21 dential and may not be used for any other purpose. The costs of disclosing information under this  
22 paragraph shall be paid by the requesting agency.

23 (h) Pursuant to section 303(h) of the Social Security Act and section 3304(a)(16)(B) of the Federal  
24 Unemployment Tax Act, to the United States Department of Health and Human Services National  
25 Directory of New Hires. The information disclosed is confidential and may not be used for any other  
26 purpose. The costs of disclosing information under this paragraph shall be paid by the United States  
27 Department of Health and Human Services.

28 (i) Pursuant to section 303(i) of the Social Security Act, to officers and employees of the United  
29 States Department of Housing and Urban Development and to representatives of a public housing  
30 agency for the purpose of determining an individual's eligibility for benefits, or the amount of ben-  
31 efits, under a housing assistance program of the United States Department of Housing and Urban  
32 Development. The information disclosed is confidential and may not be used for any other purpose.  
33 The costs of disclosing information under this paragraph shall be paid by the United States De-  
34 partment of Housing and Urban Development or the public housing agency.

35 (j) Pursuant to regulations of the United States Secretary of Health and Human Services issued  
36 under section 3304(a)(16)(A) of the Federal Unemployment Tax Act, and except as required by sec-  
37 tion 303 of the Social Security Act, to the state, a political subdivision or a federally recognized  
38 Indian tribe that has signed an agreement with the Department of Human Services to administer  
39 Part A of Title IV of the Social Security Act for the purpose of determining an individual's eligibility  
40 for assistance, or the amount of assistance, under a program funded under Part A of Title IV of the  
41 Social Security Act. The information disclosed is confidential and may not be used for any other  
42 purpose.

43 (k) Upon request, to the United States Attorney's Office. Under this paragraph, the Employment  
44 Department may disclose an individual's employment and wage information in response to a federal  
45 grand jury subpoena or for the purpose of collecting civil and criminal judgments, including

1 restitution and special assessment fees. The information disclosed is confidential and may not be  
 2 used for any other purpose. The costs of disclosing information under this paragraph shall be paid  
 3 by the United States Attorney's Office.

4 (3) The Employment Department may disclose information secured from employing units:

5 (a) To agencies of this state, federal agencies and local government agencies to the extent nec-  
 6 essary to properly carry out governmental planning, performance measurement, program analysis,  
 7 socioeconomic analysis and policy analysis functions performed under applicable law. The informa-  
 8 tion disclosed is confidential and may not be disclosed by the agencies in any manner that would  
 9 identify individuals, claimants, employees or employing units. If the information disclosed under this  
 10 paragraph is not prepared for the use of the Employment Department, the costs of disclosing the  
 11 information shall be paid by the agency requesting the information.

12 (b) As part of a geographic information system. Points on a map may be used to represent eco-  
 13 nomic data, including the location, employment size class and industrial classification of businesses  
 14 in Oregon. Information presented as part of a geographic information system may not give specific  
 15 details regarding a business's address, actual employment or proprietary information. If the infor-  
 16 mation disclosed under this paragraph is not prepared for the use of the Employment Department,  
 17 the costs of disclosing the information shall be paid by the party requesting the information.

18 (c) In accordance with ORS 657.673.

19 (4) The Employment Department may:

20 (a) Disclose information to public employees in the performance of their duties under state or  
 21 federal laws relating to the payment of unemployment insurance benefits, the provision of employ-  
 22 ment services and the provision of labor market information.

23 (b) At the discretion of the Director of the Employment Department and subject to an intera-  
 24 gency agreement, disclose information to public officials in the performance of their official duties  
 25 administering or enforcing laws within their authority and to the agents or contractors of public  
 26 officials. The public official shall agree to assume responsibility for misuse of the information by  
 27 the official's agent or contractor.

28 (c) Disclose information pursuant to an informed consent, received from an employer or claim-  
 29 ant, to disclose the information.

30 (d) Disclose information to partners under the federal Workforce Investment Act of 1998 for the  
 31 purpose of administering state workforce programs under the Act. The information disclosed is  
 32 confidential and may not be used for any other purpose. The costs of disclosing information under  
 33 this paragraph shall be paid by the requesting partner.

34 (e) Disclose the names and addresses of employing units to the Bureau of Labor and Industries  
 35 for the purpose of disseminating information to employing units. The names and addresses disclosed  
 36 are confidential and may not be used for any other purpose. If the information disclosed under this  
 37 paragraph is not prepared for the use of the Employment Department, the costs of disclosing the  
 38 information shall be paid by the bureau.

39 (f)(A) Disclose information to the Commissioner of the Bureau of Labor and Industries for the  
 40 purpose of performing duties under ORS 279C.800 to 279C.870, 658.005 to 658.245 or 658.405 to  
 41 658.503 or ORS chapter 652, 653 or 659A. The information disclosed may include the names and ad-  
 42 dresses of employers and employees and payroll data of employers and employees. The information  
 43 disclosed is confidential and may not be used for any other purpose. If the information disclosed  
 44 under this [paragraph] **subparagraph** is not prepared for the use of the Employment Department,  
 45 the costs of disclosing the information shall be paid by the bureau.

1       **(B) Except as provided in this subparagraph, disclose to any person any survey form,**  
2 **document or record used for data entry and any other data or information the department**  
3 **collects or compiles on behalf of the commissioner that the commissioner requires or uses**  
4 **to determine the prevailing rate of wage under ORS 279C.815. In disclosing data and infor-**  
5 **mation under this subparagraph, the department may not disclose, and shall take affirmative**  
6 **measures to prevent disclosures of, names, addresses, registration numbers, taxpayer iden-**  
7 **tification numbers, other identification numbers or other information that could personally**  
8 **identify an individual or entity that provided information to the department under this sub-**  
9 **paragraph.**

10       (g) Disclose information required under ORS 657.660 (3) and (4) to the Public Employees Re-  
11 tirement System for the purpose of determining the eligibility of members of the retirement system  
12 for disability retirement allowances under ORS chapter 238. The information disclosed is confiden-  
13 tial and may not be used for any other purpose. The costs of disclosing information under this par-  
14 agraph shall be paid by the Public Employees Retirement System.

15       (h) Disclose to the Oregon Business Development Commission information required by the com-  
16 mission in performing its duty under ORS 285A.050 to verify changes in employment levels following  
17 direct employer participation in Oregon Business Development Department programs or indirect  
18 participation through municipalities under ORS 285B.410 to 285B.482. The information disclosed to  
19 the commission may include an employer's employment level, total subject wages payroll and whole  
20 hours worked. The information disclosed is confidential and may not be used for any other purpose.  
21 The commission may not disclose the information in any manner that would identify an employing  
22 unit or employee except to the extent necessary to carry out the commission's duty under ORS  
23 285A.050. If the information disclosed under this paragraph is not prepared for the use of the Em-  
24 ployment Department, the costs of disclosing the information shall be paid by the commission.

25       (i) Disclose information to the Department of Revenue for the purpose of performing its duties  
26 under ORS 293.250 or under the revenue and tax laws of this state. The information disclosed may  
27 include the names and addresses of employers and employees and payroll data of employers and  
28 employees. The information disclosed is confidential and may not be disclosed by the Department  
29 of Revenue in any manner that would identify an employing unit or employee except to the extent  
30 necessary to carry out the department's duties under ORS 293.250 or in auditing or reviewing any  
31 report or return required or permitted to be filed under the revenue and tax laws administered by  
32 the department. The Department of Revenue may not disclose any information received to any pri-  
33 vate collection agency or for any other purpose. If the information disclosed under this paragraph  
34 is not prepared for the use of the Employment Department, the costs of disclosing the information  
35 shall be paid by the Department of Revenue.

36       (j) Disclose information to the Department of Consumer and Business Services for the purpose  
37 of performing its duties under ORS chapters 654 and 656. The information disclosed may include the  
38 name, address, number of employees and industrial classification code of an employer and payroll  
39 data of employers and employees. The information disclosed is confidential and may not be disclosed  
40 by the Department of Consumer and Business Services in any manner that would identify an em-  
41 ploying unit or employee except to the extent necessary to carry out the department's duties under  
42 ORS chapters 654 and 656, including administrative hearings and court proceedings in which the  
43 Department of Consumer and Business Services is a party. If the information disclosed under this  
44 paragraph is not prepared for the use of the Employment Department, the costs of disclosing the  
45 information shall be paid by the Department of Consumer and Business Services.

1 (k) Disclose information to the Construction Contractors Board for the purpose of performing  
2 its duties under ORS chapter 701. The information disclosed to the board may include the names and  
3 addresses of employers and status of their compliance with this chapter. If the information disclosed  
4 under this paragraph is not prepared for the use of the Employment Department, the costs of dis-  
5 closing the information shall be paid by the board.

6 (L) Disclose information to the State Fire Marshal to assist the State Fire Marshal in carrying  
7 out duties under ORS 453.307 to 453.414. The information disclosed may include the name, address,  
8 telephone number and industrial classification code of an employer. The information disclosed is  
9 confidential and may not be disclosed by the State Fire Marshal in any manner that would identify  
10 an employing unit except to the extent necessary to carry out duties under ORS 453.307 to 453.414.  
11 If the information disclosed under this paragraph is not prepared for the use of the Employment  
12 Department, the costs of disclosing the information shall be paid by the office of the State Fire  
13 Marshal.

14 (m) Disclose information to the Oregon Student Access Commission for the purpose of perform-  
15 ing the commission's duties under ORS chapter 348 and Title IV of the Higher Education Act of  
16 1965. The information disclosed may include the names and addresses of employers and employees  
17 and payroll data of employers and employees. The information disclosed is confidential and may not  
18 be disclosed by the commission in any manner that would identify an employing unit or employee  
19 except to the extent necessary to carry out the commission's duties under ORS chapter 348 or Title  
20 IV of the Higher Education Act of 1965. If the information disclosed under this paragraph is not  
21 prepared for the use of the Employment Department, the costs of disclosing the information shall  
22 be paid by the commission.

23 (n) Disclose information to the Department of Transportation to assist the Department of  
24 Transportation in carrying out the duties of the Department of Transportation relating to collection  
25 of delinquent and liquidated debts, including taxes, under ORS 184.610 to 184.666, 184.670 to 184.733  
26 and 805.263, ORS chapter 319 and the Oregon Vehicle Code. The information disclosed may include  
27 the names and addresses of employers and employees and payroll data of employers and employees.  
28 The information disclosed is confidential and may not be disclosed by the Department of Transpor-  
29 tation in any manner that would identify an employing unit or employee except to the extent nec-  
30 essary to carry out the Department of Transportation's duties relating to collection of delinquent  
31 and liquidated debts or in auditing or reviewing any report or return required or permitted to be  
32 filed under the revenue and tax laws administered by the Department of Transportation. The De-  
33 partment of Transportation may not disclose any information received to any private collection  
34 agency or for any other purpose. If the information disclosed under this paragraph is not prepared  
35 for the use of the Employment Department, the costs of disclosing the information shall be paid by  
36 the Department of Transportation.

37 (o) Disclose information to the Department of Human Services and the Oregon Health Authority  
38 to assist the Department of Human Services and the Oregon Health Authority in the collection of  
39 debts that the Department of Human Services and the Oregon Health Authority are authorized by  
40 law to collect. The information disclosed may include the names, addresses and payroll data of em-  
41 ployers and employees. The information disclosed is confidential and may not be disclosed by the  
42 Department of Human Services or the Oregon Health Authority in a manner that would identify an  
43 employing unit or employee except to the extent necessary for the collection of debts as described  
44 in this paragraph. The Department of Human Services and the Oregon Health Authority may not  
45 disclose information received under this paragraph to a private collection agency or use the infor-

1 mation for a purpose other than the collection of debts as described in this paragraph. If the infor-  
 2 mation disclosed under this paragraph is not prepared for the use of the Employment Department,  
 3 the costs of disclosing the information shall be paid by the Department of Human Services or the  
 4 Oregon Health Authority.

5 (p) Disclose to the Alcohol and Drug Policy Commission information required by the commission  
 6 in evaluating and measuring the performance of alcohol and drug prevention and treatment pro-  
 7 grams under ORS 430.242 or the impact of the programs on employment. The information disclosed  
 8 to the commission may include total subject wages payroll and whole hours worked. The information  
 9 disclosed under this paragraph is confidential and may not be used for any other purpose. The  
 10 commission may not disclose the information in any manner that would identify an employing unit  
 11 or employee except to the extent necessary to carry out the commission’s duties under ORS 430.242.  
 12 If the information disclosed under this paragraph is not prepared for the use of the Employment  
 13 Department, the costs of disclosing the information shall be paid by the commission.

14 (q) Disclose to any person establishment level information secured pursuant to this chapter from  
 15 federal, state and local government employing units. If the information disclosed under this para-  
 16 graph is not prepared for the use of the Employment Department, the costs of disclosing the infor-  
 17 mation shall be paid by the party requesting the information.

18 (r) Disclose to any person the industrial classification code assigned to an employing unit. If the  
 19 information disclosed under this paragraph is not prepared for the use of the Employment Depart-  
 20 ment, the costs of disclosing the information shall be paid by the party requesting the information.

21 (5) Any officer appointed by or any employee of the Director of the Employment Department  
 22 who discloses confidential information, except with the authority of the director, pursuant to rules  
 23 or as otherwise required by law, may be disqualified from holding any appointment or employment  
 24 with the Employment Department.

25 (6) Any person or any officer or employee of an entity to whom information is disclosed by the  
 26 Employment Department under this section who divulges or uses the information for any purpose  
 27 other than that specified in the provision of law or agreement authorizing the use or disclosure may  
 28 be disqualified from performing any service under contract or disqualified from holding any ap-  
 29 pointment or employment with the state agency that engaged or employed that person, officer or  
 30 employee. The Employment Department may immediately cancel or modify any information sharing  
 31 agreement with an entity when a person or an officer or employee of that entity discloses confi-  
 32 dential information, other than as specified in law or agreement.

33 **SECTION 3.** ORS 657.734 is amended to read:

34 657.734. (1) As used in this section:

35 (a) “Public body” has the meaning given that term in ORS 192.410.

36 (b) “System participant” means:

37 (A) Mandatory partners under the federal Workforce Investment Act of 1998 (enacted as P.L.  
 38 105-220 and codified as 29 U.S.C. 2801 et seq.) and other one-stop system partners, which may in-  
 39 clude public bodies and private organizations; and

40 (B) Public bodies and private organizations that have been approved by the Director of the  
 41 Employment Department, in consultation with the Education and Workforce Policy Advisor, to par-  
 42 ticipate in the Performance Reporting Information System.

43 (2) There is established the Performance Reporting Information System for the purpose of col-  
 44 lecting, analyzing and sharing statistical and demographic data for the development and reporting  
 45 of workforce system performance measures.

1 (3) The Performance Reporting Information System is intended to share the data described in  
2 subsection (2) of this section, by agreement, with all system participants.

3 (4) The Director of the Employment Department shall administer and, in consultation with the  
4 Education and Workforce Policy Advisor, oversee the development of the Performance Reporting  
5 Information System. System participants shall be designated as participants in the system by rule  
6 of the Employment Department, in consultation with the Education and Workforce Policy Advisor.  
7 A system participant shall enter into an interagency or other applicable agreement with the director  
8 that:

9 (a) Establishes protocols for the collection and sharing of data in the system;

10 (b) Establishes safeguards for protecting the confidentiality of data in the system;

11 (c) Includes provisions regarding informed consent for sharing information obtained from indi-  
12 viduals; and

13 (d) Provides for the sharing of costs for developing and maintaining the system.

14 (5)(a) All individual record information in the Performance Reporting Information System is  
15 confidential and may not be disclosed as a public record under the provisions of ORS 192.410 to  
16 192.505. As administrator of the system, the director may view all data or individual record infor-  
17 mation in the system. System participants may not allow public access to information received from  
18 the system that identifies a particular individual unless required by law. System participants shall  
19 limit the disclosure of, or refuse to disclose, aggregate or summary level information when a small  
20 number of aggregated records or some other factor creates a reasonable risk that the identity of  
21 individuals may be discovered or disclosed.

22 (b) System participants shall provide information in a format that encodes identifying data, in-  
23 cluding the client's Social Security number, using a formula unique to the system participant. In  
24 disclosing Social Security numbers to the system, system participants shall comply with any state  
25 and federal laws that govern the collection and use of Social Security numbers by the system par-  
26 ticipant and any additional requirements specified by the director, in consultation with the Educa-  
27 tion and Workforce Policy Advisor, that are included in the agreement entered into under subsection  
28 (4) of this section.

29 (6) The information in the Performance Reporting Information System is not a public record for  
30 purposes of ORS 192.410 to 192.505. For purposes of ORS 192.410 to 192.505, the information sub-  
31 mitted to the system and the information received from the system is a public record, and the  
32 custodian of such information is the system participant that submits or receives the information. If  
33 the system participant receiving the information is not a public body, the department shall keep a  
34 copy of the system information sent to that system participant and shall be the custodian of that  
35 copy for purposes of ORS 192.410 to 192.505. As custodian, the department shall limit the disclosure  
36 of, or refuse to disclose, aggregate or summary level information when a small number of aggregated  
37 records or some other factor creates a reasonable risk that the identity of individuals may be dis-  
38 covered or disclosed. The department shall refer all other requests for disclosure of system infor-  
39 mation to the public body that is the custodian of the information.

40 (7) The department may charge a reasonable fee under ORS 192.440 for the disclosure of reports  
41 containing only aggregate data to individuals, public bodies or private organizations.

42 (8) If a system participant prepares or acquires a record that is confidential under federal or  
43 state law, including ORS 192.502 (2), the system participant does not violate state confidentiality  
44 laws by providing the information described in this section to the Performance Reporting Informa-  
45 tion System. Notwithstanding the provisions of ORS [279C.815 (4),] 279C.850 (3), 657.665 and 660.339,



1 the Bureau of Labor and Industries, the Department of Community Colleges and Workforce Devel-  
2 opment and the Employment Department are authorized to provide information to the system.

3 (9) Any individual who, without proper authority, discloses confidential information under this  
4 section may be disqualified from holding any appointment or employment with the State of Oregon.  
5 The department shall adopt by rule procedures to prevent disclosure of confidential information  
6 submitted to the Performance Reporting Information System.

7 **SECTION 4. (1) The amendments to ORS 279C.815, 657.665 and 657.734 by sections 1 to 3**  
8 **of this 2013 Act become operative on January 1, 2014.**

9 **(2) The Commissioner of the Bureau of Labor and Industries or the Director of the Em-**  
10 **ployment Department may take any action before the operative date specified in subsection**  
11 **(1) of this section that is necessary to enable the commissioner or the director to exercise,**  
12 **on and after the operative date specified in subsection (1) of this section, all of the duties,**  
13 **functions and powers conferred on the commissioner or the director by the amendments to**  
14 **ORS 279C.815, 657.665 and 657.734 by sections 1 to 3 of this 2013 Act.**

15 **SECTION 5. This 2013 Act being necessary for the immediate preservation of the public**  
16 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**  
17 **on its passage.**

18