

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass the A-Engrossed Measure
Vote:	5 - 0 - 0
Yeas:	Baertschiger Jr, George, Monnes Anderson, Prozanski, Shields
Nays:	0
Exc.:	0
Prepared By:	Alex Britain, Law Clerk
Meeting Dates:	2/19

WHAT THE MEASURE DOES: Makes certain records exempt from public disclosure when those records have personally identifiable information collected by a mass transit system.

ISSUES DISCUSSED:

- Per se exemption versus individual determinations of disclosure under statute
- Methods used to collect personally identifiable information
- Concerns regarding privacy protections on personally identifiable information
- Scope of personally identifiable information collected by mass transit

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Unless exempted, public records used or retained by a public body are subject to public disclosure whenever a member of the public requests them. Public disclosure exemptions have been established in ORS 192.501 under a case-by-case analysis for records requests; this analysis is made by the administrative agency that has authority over the exempted records. Alternative, ORS 192.502 exempts certain public records from disclosure when the public or private interest in keeping those records confidential outweighs the public interest in disclosure. Many of the exemptions under this section focus on maintaining privacy when public records contain personally identifiable information; this is a per se exemption.

House Bill 4086-A amends ORS 192.501 so that personally identifiable records of passengers are subject to a public disclosure exemption unless the person requesting disclosure is able to prove to the relevant administrative agency that in the case of a specific record, public interest in disclosure outweighs the private interest in the exemption.