

A-Engrossed
House Bill 4086

Ordered by the House February 13
Including House Amendments dated February 13

Sponsored by Representative TOMEI, Senator STEINER HAYWARD, Representative WILLIAMSON; Representatives BARKER, FAGAN, GORSEK, KRIEGER, Senators PROZANSKI, ROBLAN, THOMSEN (Pre-session 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.

Unless public interest requires disclosure, exempts from disclosure under public records law personally identifiable information collected by mass transit electronic fare collection systems. **Requires disclosure if records do not disclose personal identity.**

A BILL FOR AN ACT

1
2 Relating to mass transit records; amending ORS 192.501.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (9) Investigatory information relating to any complaint or charge filed under ORS 243.676 and
28 663.180.

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

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

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

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

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

42 (15) Computer programs developed or purchased by or for any public body for its own use. As
43 used in this subsection, "computer program" means a series of instructions or statements which
44 permit the functioning of a computer system in a manner designed to provide storage, retrieval and
45 manipulation of data from such computer system, and any associated documentation and source

1 material that explain how to operate the computer program. "Computer program" does not include:

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

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

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

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

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

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

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

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

27 (20) The residence address of an elector if authorized under ORS 247.965 and subject to ORS
28 247.967.

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

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

33 (b) Credit reports;

34 (c) Project appraisals, excluding appraisals obtained in the course of transactions involving an
35 interest in real estate that is acquired, leased, rented, exchanged, transferred or otherwise disposed
36 of as part of the project, but only after the transactions have closed and are concluded;

37 (d) Market studies and analyses;

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

39 (f) Commitment letters;

40 (g) Project pro forma statements;

41 (h) Project cost certifications and cost data;

42 (i) Audits;

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

44 (k) Tenant files relating to certification; and

45 (L) Housing assistance payment requests.

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

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

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

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

8 (23) Records or information that would reveal or otherwise identify security measures, or
9 weaknesses or potential weaknesses in security measures, taken or recommended to be taken to
10 protect:

11 (a) An individual;

12 (b) Buildings or other property;

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

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

17 (24) Personal information held by or under the direction of officials of the Oregon Health and
18 Science University, a public university listed in ORS 352.002 or the Oregon University System about
19 a person who has or who is interested in donating money or property to the Oregon Health and
20 Science University, the system or a public university, if the information is related to the family of
21 the person, personal assets of the person or is incidental information not related to the donation.

22 (25) The home address, professional address and telephone number of a person who has or who
23 is interested in donating money or property to the Oregon University System or a public university
24 listed in ORS 352.002.

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

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

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

33 (29) The electronic mail address of a student who attends a public university listed in ORS
34 352.002 or Oregon Health and Science University.

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

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

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

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

45 (c) The name of the public safety officer contained in county real property assessment or taxa-

1 tion records. This exemption:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ORS 192.502 (35); or

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

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

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

9 (37) Any document or other information related to an audit of a public body, as defined in ORS
10 174.109, that is in the custody of an auditor or audit organization operating under nationally re-
11 cognized government auditing standards, until the auditor or audit organization issues a final audit
12 report in accordance with those standards or the audit is abandoned. This exemption does not pro-
13 hibit disclosure of a draft audit report that is provided to the audited entity for the entity's response
14 to the audit findings.

15 **(38)(a) Personally identifiable information collected as part of an electronic fare collection**
16 **system of a mass transit system.**

17 **(b) The exemption from disclosure in paragraph (a) of this subsection does not apply to**
18 **public records that have attributes of anonymity that are sufficient, or that are aggregated**
19 **into groupings that are broad enough, to ensure that persons cannot be identified by disclo-**
20 **sure of the public records.**

21 **(c) As used in this subsection:**

22 **(A) "Electronic fare collection system" means the software and hardware used for, as-**
23 **sociated with or relating to the collection of transit fares for a mass transit system, includ-**
24 **ing but not limited to computers, radio communication systems, personal mobile devices,**
25 **wearable technology, fare instruments, information technology, data storage or collection**
26 **equipment, or other equipment or improvements.**

27 **(B) "Mass transit system" has the meaning given that term in ORS 267.010.**

28 **(C) "Personally identifiable information" means all information relating to a person that**
29 **acquires or uses a transit pass or other fare payment medium in connection with an elec-**
30 **tronic fare collection system, including but not limited to:**

31 **(i) Customer account information, date of birth, telephone number, physical address,**
32 **electronic mail address, credit or debit card information, bank account information, Social**
33 **Security or taxpayer identification number or other identification number, transit pass or**
34 **fare payment medium balances or history, or similar personal information; or**

35 **(ii) Travel dates, travel times, frequency of use, travel locations, service types or vehicle**
36 **use, or similar travel information.**

37 **SECTION 2.** ORS 192.501, as amended by section 3, chapter 455, Oregon Laws 2005, section 7,
38 chapter 608, Oregon Laws 2007, section 2, chapter 687, Oregon Laws 2007, section 2, chapter 48,
39 Oregon Laws 2008, section 3, chapter 57, Oregon Laws 2009, section 2, chapter 135, Oregon Laws
40 2009, section 4, chapter 222, Oregon Laws 2009, section 2, chapter 769, Oregon Laws 2009, section
41 15, chapter 9, Oregon Laws 2011, section 2, chapter 285, Oregon Laws 2011, section 69, chapter 637,
42 Oregon Laws 2011, section 2, chapter 325, Oregon Laws 2013, and section 108, chapter 768, Oregon
43 Laws 2013, is amended to read:

44 192.501. The following public records are exempt from disclosure under ORS 192.410 to 192.505
45 unless the public interest requires disclosure in the particular instance:

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

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7 any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or
8 compilation of information which is not patented, which is known only to certain individuals within
9 an organization and which is used in a business it conducts, having actual or potential commercial
10 value, and which gives its user an opportunity to obtain a business advantage over competitors who
11 do not know or use it.

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

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

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

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

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

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

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

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

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

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33 similar business records of a private concern or enterprise, required by law to be submitted to or
34 inspected by a governmental body to allow it to determine fees or assessments payable or to estab-
35 lish production quotas, and the amounts of such fees or assessments payable or paid, to the extent
36 that such information is in a form which would permit identification of the individual concern or
37 enterprise. This exemption does not include records submitted by long term care facilities as defined
38 in ORS 442.015 to the state for purposes of reimbursement of expenses or determining fees for pa-
39 tient care. Nothing in this subsection shall limit the use which can be made of such information for
40 regulatory purposes or its admissibility in any enforcement proceeding.

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43 purpose of requesting representation or decertification elections.

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

1 ORS 659A.850.

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3 663.180.

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

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

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13 564.100, regarding the habitat, location or population of any threatened species or endangered spe-
14 cies.

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16 connection with research, until publicly released, copyrighted or patented.

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20 manipulation of data from such computer system, and any associated documentation and source
21 material that explain how to operate the computer program. "Computer program" does not include:

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30 ceives notice of any citation.

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33 public disclosure of the plans would endanger an individual's life or physical safety or jeopardize a
34 law enforcement activity.

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36 graph, "audit or audit report" means any external or internal audit or audit report pertaining to a
37 telecommunications carrier, as defined in ORS 133.721, or pertaining to a corporation having an af-
38 filiated interest, as defined in ORS 759.390, with a telecommunications carrier that is intended to
39 make the operations of the entity more efficient, accurate or compliant with applicable rules, pro-
40 cedures or standards, that may include self-criticism and that has been filed by the telecommuni-
41 cations carrier or affiliate under compulsion of state law. "Audit or audit report" does not mean an
42 audit of a cost study that would be discoverable in a contested case proceeding and that is not
43 subject to a protective order; and

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45 statement of a nonregulated corporation having an affiliated interest, as defined in ORS 759.390,

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3 247.967.

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6 for and recipients of loans, grants and tax credits:

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8 (b) Credit reports;

9 (c) Project appraisals, excluding appraisals obtained in the course of transactions involving an
10 interest in real estate that is acquired, leased, rented, exchanged, transferred or otherwise disposed
11 of as part of the project, but only after the transactions have closed and are concluded;

12 (d) Market studies and analyses;

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

14 (f) Commitment letters;

15 (g) Project pro forma statements;

16 (h) Project cost certifications and cost data;

17 (i) Audits;

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

19 (k) Tenant files relating to certification; and

20 (L) Housing assistance payment requests.

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24 disruption to, or interference with, services; or

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

28 (23) Records or information that would reveal or otherwise identify security measures, or
29 weaknesses or potential weaknesses in security measures, taken or recommended to be taken to
30 protect:

31 (a) An individual;

32 (b) Buildings or other property;

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

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

37 (24) Personal information held by or under the direction of officials of the Oregon Health and
38 Science University, a public university listed in ORS 352.002 or the Oregon University System about
39 a person who has or who is interested in donating money or property to the Oregon Health and
40 Science University, the system or a public university, if the information is related to the family of
41 the person, personal assets of the person or is incidental information not related to the donation.

42 (25) The home address, professional address and telephone number of a person who has or who
43 is interested in donating money or property to the Oregon University System or a public university
44 listed in ORS 352.002.

45 (26) Records of the name and address of a person who files a report with or pays an assessment

1 to a commodity commission established under ORS 576.051 to 576.455, the Oregon Beef Council
2 created under ORS 577.210 or the Oregon Wheat Commission created under ORS 578.030.

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

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

8 (29) The electronic mail address of a student who attends a public university listed in ORS
9 352.002 or Oregon Health and Science University.

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

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

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

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

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

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

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

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

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

27 (31) Unless the public records request is made by a financial institution, as defined in ORS
28 706.008, consumer finance company licensed under ORS chapter 725, mortgage banker or mortgage
29 broker licensed under ORS 86A.095 to 86A.198, or title company for business purposes, records de-
30 scribed in paragraph (a) of this subsection, if the exemption from disclosure of the records is sought
31 by an individual described in paragraph (b) of this subsection using the procedure described in par-
32 agraph (c) of this subsection:

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

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

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

39 (b) The individual claiming the exemption from disclosure must be a district attorney, a deputy
40 district attorney, the Attorney General or an assistant attorney general, the United States Attorney
41 for the District of Oregon or an assistant United States attorney for the District of Oregon, a city
42 attorney who engages in the prosecution of criminal matters or a deputy city attorney who engages
43 in the prosecution of criminal matters.

44 (c) The individual claiming the exemption from disclosure must do so by filing the claim in
45 writing with the public body for which the exemption from disclosure is being claimed on a form

1 prescribed by the public body. Unless the claim is filed with the county clerk, the claim form shall
2 list the public records in the possession of the public body to which the exemption applies. The ex-
3 emption applies until the individual claiming the exemption requests termination of the exemption
4 or ceases to qualify for the exemption.

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

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

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

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

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

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

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

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

24 (36) Any document or other information related to an audit of a public body, as defined in ORS
25 174.109, that is in the custody of an auditor or audit organization operating under nationally re-
26 cognized government auditing standards, until the auditor or audit organization issues a final audit
27 report in accordance with those standards or the audit is abandoned. This exemption does not pro-
28 hibit disclosure of a draft audit report that is provided to the audited entity for the entity's response
29 to the audit findings.

30 **(37)(a) Personally identifiable information collected as part of an electronic fare collection**
31 **system of a mass transit system.**

32 **(b) The exemption from disclosure in paragraph (a) of this subsection does not apply to**
33 **public records that have attributes of anonymity that are sufficient, or that are aggregated**
34 **into groupings that are broad enough, to ensure that persons cannot be identified by disclo-**
35 **sure of the public records.**

36 **(c) As used in this subsection:**

37 **(A) "Electronic fare collection system" means the software and hardware used for, as-**
38 **sociated with or relating to the collection of transit fares for a mass transit system, includ-**
39 **ing but not limited to computers, radio communication systems, personal mobile devices,**
40 **wearable technology, fare instruments, information technology, data storage or collection**
41 **equipment, or other equipment or improvements.**

42 **(B) "Mass transit system" has the meaning given that term in ORS 267.010.**

43 **(C) "Personally identifiable information" means all information relating to a person that**
44 **acquires or uses a transit pass or other fare payment medium in connection with an elec-**
45 **tronic fare collection system, including but not limited to:**

1 **(i) Customer account information, date of birth, telephone number, physical address,**
2 **electronic mail address, credit or debit card information, bank account information, Social**
3 **Security or taxpayer identification number or other identification number, transit pass or**
4 **fare payment medium balances or history, or similar personal information; or**

5 **(ii) Travel dates, travel times, frequency of use, travel locations, service types or vehicle**
6 **use, or similar travel information.**

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