

Testimony Regarding HB 2470
House Committee on
Consumer Protection & Government Effectiveness
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We are providing this testimony on behalf of the members of the Oregon Trial Lawyers Association, and the injured and defrauded Oregonians our members fight for. The current version of HB 2470 exempts from disclosure documents and information related to any active and ongoing investigation conducted by the Department of Consumer and Business Services. The bill further provides that such documents and information cannot be obtained by an individual pursuing a civil claim, even if subpoenaed, and deems the information inadmissible in a civil action.

Oregon consumers have the right to seek a remedy when they are harmed by insurance companies, banks or builders who don't play by the rules. Working Oregonians can hold their employers accountable in court for unsafe working conditions. This bill has the potential to prevent access for these victims to potentially critical evidence.

Oregon's Public Records Law strongly favors disclosure of records created and maintained by public agencies. Exemptions are to be construed narrowly. Further, the existing exemptions to the Public Records Law are not a prohibition to disclosure but rather provide grounds for withholding documents in instances where the agency determines that privacy interests outweigh the public interest in disclosure.

The initial draft of this bill goes much farther by prohibiting the disclosure of investigatory materials, even in response to a subpoena, in a wide range of areas subject to DCBS regulation and by precluding the admission of these materials in a civil action even though admissibility is generally a determination to be made by a judge in an individual case.

We recognize that DCBS is striving to find a workable solution to the problems addressed by HB 2470, and that amendments have already been drafted. We look forward to working with committee members and the agency to find a solution to the problem the bill addresses while better protecting the rights of consumers and workers. We are confident that the committee's deliberative process will yield a good result.