



Oregon

Kate Brown, Governor

Department of Transportation

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DATE: March 2, 2015

TO: House Committee on Rules

FROM: Amy Joyce, Legislative Liaison

SUBJECT: HB 2208, protection from public records disclosure

INTRODUCTION

The bill would add civil code enforcement officers to the existing protections from release of public records for law enforcement officers. The bill also adds all state agencies to the current list of just three entities that must have mechanisms in place to protect such records. This second provision may have unintended consequences.

DISCUSSION

Current law allows a public safety officer to request the home address and telephone number be protected from a public records disclosure of (1) voter registration records, (2) county property and tax records, and (3) records of the Department of Public Safety Standards and Training (DPSST). The bill adds civil code enforcement officers to the people who may make that request. Much more broadly, the bill also adds all state agencies as entities that will receive and honor that request. Under the relevant portion of the Public Records law, that includes not only the departments, boards and commissions, but also courts, the State Treasurer and the Secretary of State.

DMV, a division within the Department of Transportation, has an entire block of ORS Chapter 802 devoted to the release and protection of its records. DMV has an existing program created in these statutes to protect the addresses of a wide array of public employees – local, state, and federal. The public employee requests their work address be substituted for the home address. This allows DMV to keep appropriate contact with the customer, and to provide voluminous records as required by law while protecting the person's safety. Civil code enforcement officers could simply be added to the long list of jobs that qualify a person for this protection.

DMV is concerned that the provisions in HB 2208 would require it to create a separate procedure under this vastly expanded provision under the general public records law.

In addition, the bill would apply to all public records requests processed by the agency. HB 2208 would require the agency collect centrally and share those names exempt from disclosure in order to screen public records for inclusion of addresses prior to responding.

Also, it is unclear whether a public safety officer or code enforcement officer would make the request to just one office of state government and that request would filter out to all state agencies as defined under the law, or if the parties would make requests of individual offices of state government.

SUMMARY

The Department of Transportation is concerned the application of this law to “all public agencies” will force DMV to create a second procedure to protect the home addresses of public safety officers and code enforcement officers, when a system already is in place to which code enforcement officers simply could be added. The bill has broader implications to public records requests throughout this and other agencies that could result in additional costs and time to coordinate the exemptions from disclosure and produce public records.