



ALEX CUYLER

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DATE: April 24, 2015
TO: House Committee on Rules
RE: HB 3505

Chair Hoyle and Committee Members:

Lane County is opposed to House Bill 3505 as introduced and urges no further consideration of this measure.

In Lane County, the vast majority of public records requests are handled in much less than three weeks and most for little or no cost to the requester. However, we also have experience with very broad requests, coming typically in the form of “any and all documents in the last two years that include the word [name]...”. These types of requests are massive and require our Information Services (IS) staff to go back and restore hundreds of archived electronic files at significant cost to the requester. With limited staff, requests such as these would be exceedingly difficult to fulfill within the time frame proposed by HB 3505. To meet the proposed timeframes in section 2, we would have to pull staff from their regular work.

While Lane County supports doing its business in an open and transparent way, the requirements proposed in HB 3505 will be costly and burdensome to public entities. For example, the requirement of retaining public records for a minimum of three years will create significant storage growth to file servers, email systems, database servers and SharePoint environments. Although exact costs for active record storage cannot be precisely determined, Information Services staff estimates it would be reasonable to expect our annual active storage costs to increase by \$5,000.

For electronic record backup, Lane County IS currently retains one monthly full backup, from each month, for one year on tape. Twelve full copies of all Lane County data are continually rotated between an onsite datacenter and an offsite storage facility. To meet the requirements of HB 3505 we would have to retain these archived backups for three years, requiring more tape media. This would cost a minimum of \$12,000 in extra tape costs over the next three years (not including growth calculations).

In order to meet the challenge of ensuring the required response time under the bill, more advanced eDiscovery mechanisms and/or additional FTE will be necessary to ensure requested public records can be more easily sought, located, secured and reviewed. The estimated cost to implement a more advanced eDiscovery system for email, file servers, or SharePoint is between \$80,000 and \$500,000 for a five year implementation plus ongoing annual maintenance at 20% of the purchase price. The annual cost increase for additional FTE would be over \$100,000.

We believe existing public records law provides a vehicle for individuals to sue if there is a belief that a request has been improperly denied, taken too long, or the fact (or amount) that has been charged for the records is inappropriate. HB 3505 will be both costly and burdensome for public entities to implement, and may trigger an unfunded mandate finding.