

Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session
STAFF MEASURE SUMMARY
Senate Committee On Judiciary

MEASURE: HB 3037 A
CARRIER: Sen. Prozanski

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 03/26/15

Action: Do Pass The A-Eng Bill.

Meeting Dates: 03/26

Vote:

Yeas: 4 - Burdick, Gelser, Kruse, Prozanski

Exc: 1 - Thatcher

Prepared By: Channa Newell, Counsel

WHAT THE MEASURE DOES:

Extends current public records exemption on specific personal information of public body employees or volunteers to include residential address, residential telephone numbers, personal cellular phone numbers, personal email addresses, drivers license numbers, and other personal information. Removes disclosure based on clear and convincing evidence that public interest requires disclosure. Prohibits public body from disclosing such identifiers for home care workers, operators of child care facilities, family child care providers, or operators of adult foster homes. Specifies measure does not apply to disclosure by Judicial Department or Department of Transportation. Declares emergency; effective on passage.

ISSUES DISCUSSED:

- Importance of access to meeting records, reports, and other state documents
- Distinguishing between state business and workers' personal information
- State employees' personal experiences with disclosure of identifying information
- Other avenues to prevent disclosure of personal identifiers
- Limits of government's ability to protect all information

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

It is Oregon policy that every person has a right to inspect any public record of any public body in the state, unless exempted. There are two categories of records that have exemptions to the disclosure requirement. ORS 192.501 provides general categories of records that are exempt unless the public interest requires disclosure. This extensive list includes records of active litigation, trade secrets, investigative reports in criminal proceedings, residential addresses of electors, personal information of donors to the Oregon University System or Oregon Health & Science University, and Social Security numbers. ORS 192.502 provides a list of records that are exempt from disclosure and generally do not have a public interest disclosure requirement. The addresses, Social Security numbers, dates of birth and telephone numbers of public body employees and volunteers fall within this category, but the exemption does not apply in cases where a person seeking the records shows by clear and convincing evidence that the public interest requires disclosure.

House Bill 3037 A removes the public interest disclosure based on clear and convincing evidence, and extends the exemption to residential addresses, telephone numbers, personal cell phone numbers, personal email addresses, drivers license numbers, employer-issued identification card numbers, and emergency contact information. It further extends the exemption to personal identifiers of home care workers, family child care providers, operators of child care facilities, and operators of adult foster homes. It requires a public body that has this information to redact personal information prior to releasing documents that were submitted in confidence. The measure exempts the Judicial Department and the Department of Transportation.