

STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 05/21/15

Action: Do Pass With Amendments To The A-Eng Bill. (Printed B-Eng.)

Meeting Dates: 05/18, 05/21

Vote:

Yeas: 4 - Burdick, Gelser, Kruse, Prozanski

Nays: 1 - Thatcher

Prepared By: Channa Newell, Counsel

WHAT THE MEASURE DOES:

Provides exemption from public records request of personal information of individuals certified or licensed by Department of Public Safety Standards and Training. Includes current and past licensees or certificate holders. Exempts residential address and telephone number, personal cellular numbers, personal email addresses, driver license numbers, emergency contact information, Social Security numbers, and dates of birth from disclosure. Exempts personal information of civil code enforcement officers from public records requests unless public interest requires disclosure. Requires code enforcement officer make request. Permits civil code enforcement officers to request records kept by Oregon Department of Transportation that contain officers' home address to instead contain address of public agency employing officer. Declares emergency; effective on passage.

ISSUES DISCUSSED:

- Department of Public Safety Standards and Training (DPSST) holds records for law enforcement officers
- DPSST is not an employer of those officers, so is not covered by existing exemptions
- Importance of protecting personal information
- Disclosure of date of birth not considered an unreasonable invasion of privacy by Attorney General
- Existing protections on disclosure of personal information

EFFECT OF COMMITTEE AMENDMENT:

Provides absolute exemption to personal information of individuals certified or licensed by Department of Public Safety Standards and Training maintained by Department. Includes current and past licensees or certificate holders. Exempts residential address and telephone number, personal cellular numbers, personal email addresses, driver license numbers, emergency contact information, Social Security numbers, and dates of birth from disclosure. Declares emergency, effective on passage.

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 & Sciences 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.

House Bill 2208 B allows a public code enforcement officer, such as a building codes inspector, to request that personal information become exempt from disclosure unless the public interest requires disclosure. It also allows the officer to request that records kept by the Department of Transportation show the address of the officer's employee agency, and not the home address of the officer. Additionally, the measure provides an exemption to public records requests for the personal information of an individual, such as a police officer, who is certified by the Department of Public Safety Standards and Training when those records are held by the Department.