

## HOUSE AMENDMENTS TO HOUSE BILL 2571

By COMMITTEE ON JUDICIARY

April 28

1 On page 1 of the printed bill, delete line 3 and insert “41.910, 136.295, 165.540 and 192.501; and  
2 declaring an emergency.”.

3 In line 6, before “storage” insert “use,”.

4 Delete lines 9 and 10 and insert:

5 “(b) The policies and procedures described in paragraph (a) of this subsection must include:

6 “(A) A requirement that a recording be retained for at least 180 days but no more than 30  
7 months for a recording not related to a court proceeding, or for the same period of time that evi-  
8 dence is retained in the normal course of the court’s business for a recording related to a court  
9 proceeding.

10 “(B) A requirement that a camera worn upon a law enforcement officer’s person be set to record  
11 continuously, beginning when the officer develops reasonable suspicion or probable cause to believe  
12 that a crime or violation has occurred, is occurring or will occur and the law enforcement officer  
13 begins to make contact with the person suspected of committing the offense. The policies and pro-  
14 cedures must also require that the camera may subsequently cease recording no sooner than the  
15 termination of the officer’s participation in the contact.

16 “(C) A requirement that in any contract with a third party vendor for data storage, recordings  
17 from the camera are the property of the law enforcement agency, are not owned by the vendor and  
18 cannot be used by the vendor for any purpose inconsistent with the policies and procedures of the  
19 law enforcement agency.

20 “(D) A prohibition on the use of facial recognition or other biometric matching technology to  
21 analyze recordings obtained through the use of the camera.

22 “(E) A prohibition on the use of any recordings obtained from the camera for any purpose other  
23 than a legitimate law enforcement purpose.

24 “(c) Notwithstanding paragraph (b)(B) of this subsection, a law enforcement agency may in its  
25 policies and procedures provide for exceptions to the recording requirements of paragraph (b)(B) of  
26 this subsection, provided that the exceptions are based on reasonable privacy concerns, exigent  
27 circumstances or the safety of law enforcement officers or other persons.”.

28 On page 2, line 36, after “unless” insert a colon and delete the rest of the line and lines 37 and  
29 38 and insert:

30 “(i) The officer has an opportunity to announce at the beginning of the interaction that the  
31 conversation is being obtained; and

32 “(ii) The announcement can be accomplished without causing jeopardy to the officer or any  
33 other person and without unreasonably impairing a criminal investigation; or”.

34 On page 3, delete lines 19 through 45 and delete pages 4 through 10 and insert:

35 “**SECTION 3.** ORS 41.910 is amended to read:

1 “41.910. Evidence of the contents of any wire or oral communication intercepted:

2 “(1) In violation of ORS 165.540 shall not be admissible in any court of this state, except as  
3 evidence of unlawful interception **or when the evidence was created by the use of a video**  
4 **camera worn upon a law enforcement officer’s person and the officer either substantially**  
5 **complied with or attempted in good faith to comply with ORS 165.540 (5)(c)(B).**

6 “(2) Under ORS 165.540 (2)(a) shall not be admissible in any court of this state unless:

7 “(a) The communication was intercepted by a public official in charge of and at a jail, police  
8 premises, sheriff’s office, Department of Corrections institution or other penal or correctional insti-  
9 tution; and

10 “(b) The participant in the communication, against whom the evidence is being offered, had ac-  
11 tual notice that the communication was being monitored or recorded.

12 “**SECTION 4.** ORS 136.295 is amended to read:

13 “136.295. (1) ORS 136.290 does not apply to persons charged with crimes that are not releasable  
14 offenses under ORS 135.240 or to persons charged with conspiracy to commit murder, or charged  
15 with attempted murder, or to prisoners serving sentences resulting from prior convictions.

16 “(2)(a) If the defendant is extradited from another jurisdiction, the 60-day period shall not com-  
17 mence until the defendant enters the State of Oregon, provided that law enforcement authorities  
18 from the other jurisdiction and this state have conducted the extradition with all practicable speed.  
19 The original 60-day period shall not be extended more than an additional 60 days, except where  
20 delay has been caused by the defendant in opposing the extradition.

21 “(b) For purposes of this subsection, an extradition is presumed to have been conducted with  
22 all practicable speed if it has been conducted within 90 days after the date the defendant has been  
23 delivered to an agent of this state.

24 “(3) Any reasonable delay resulting from examination or hearing regarding the defendant’s  
25 mental condition or competency to stand trial, or resulting from other motion or appeal by the de-  
26 fendant, shall not be included in the 60-day period.

27 “(4)(a) If a victim or witness to the crime in question is unable to testify within the original  
28 60-day period because of injuries received at the time the alleged crime was committed or upon a  
29 showing of good cause, the court may order an extension of custody and postponement of the date  
30 of the trial of not more than 60 additional days. The court, for the same reason, may order a second  
31 extension of custody and postponement of the date of the trial of not more than 60 days, but in no  
32 event shall the defendant be held in custody before trial for more than a total of 180 days. A court  
33 may grant an extension based upon good cause as described in paragraph (b)(C), (D) or (E) of this  
34 subsection only if requested by the defendant or defense counsel or by the court on its own motion.

35 “(b) As used in this subsection, ‘good cause’ means situations in which:

36 “(A) The court failed to comply with ORS 136.145 and the victim is unable to attend the trial;

37 “(B) The victim or an essential witness for either the state or the defense is unable to testify  
38 at the trial because of circumstances beyond the control of the victim or witness;

39 “(C) The attorney for the defendant cannot reasonably be expected to try the case within the  
40 60-day period;

41 “(D) The attorney for the defendant has recently been appointed and cannot be ready to try the  
42 case within the 60-day period;

43 “(E) The attorney for the defendant is unable to try the case within the 60-day period because  
44 of conflicting schedules;

45 “(F) Scientific evidence is necessary and because of the complexity of the procedures it would

1 be unreasonable to have the procedures completed within the 60-day period;

2 “(G) The defendant has filed notice under ORS 161.309 of the defendant’s intention to rely upon  
3 a defense of insanity, partial responsibility or diminished capacity;

4 “(H) The defendant has filed any notice of an affirmative defense within the last 20 days of the  
5 60-day period; [or]

6 “(I) A claim under ORS 147.515, or a motion under ORS 147.522, relating to victims’ rights is  
7 pending, the court has considered the factors described in ORS 147.525 and the court has determined  
8 that the trial date should be rescheduled subject to the time limit provided in ORS 147.525[.]; or

9 **“(J) The defendant has received discovery of digital video evidence from a video camera  
10 worn upon a law enforcement officer’s person and, though discovery has occurred in a rea-  
11 sonably timely manner, editing of the digital video evidence is necessary.**

12 “(5) Any period following defendant’s arrest in which the defendant is not actually in custody  
13 shall not be included in the 60-day computation.

14 **“SECTION 5.** ORS 192.501, as amended by section 1, chapter 37, Oregon Laws 2014, and section  
15 1, chapter 64, Oregon Laws 2014, is amended to read:

16 “192.501. The following public records are exempt from disclosure under ORS 192.410 to 192.505  
17 unless the public interest requires disclosure in the particular instance:

18 “(1) Records of a public body pertaining to litigation to which the public body is a party if the  
19 complaint has been filed, or if the complaint has not been filed, if the public body shows that such  
20 litigation is reasonably likely to occur. This exemption does not apply to litigation which has been  
21 concluded, and nothing in this subsection shall limit any right or opportunity granted by discovery  
22 or deposition statutes to a party to litigation or potential litigation.

23 “(2) Trade secrets. ‘Trade secrets,’ as used in this section, may include, but are not limited to,  
24 any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or  
25 compilation of information which is not patented, which is known only to certain individuals within  
26 an organization and which is used in a business it conducts, having actual or potential commercial  
27 value, and which gives its user an opportunity to obtain a business advantage over competitors who  
28 do not know or use it.

29 “(3) Investigatory information compiled for criminal law purposes. The record of an arrest or the  
30 report of a crime shall be disclosed unless and only for so long as there is a clear need to delay  
31 disclosure in the course of a specific investigation, including the need to protect the complaining  
32 party or the victim. Nothing in this subsection shall limit any right constitutionally guaranteed, or  
33 granted by statute, to disclosure or discovery in criminal cases. For purposes of this subsection, the  
34 record of an arrest or the report of a crime includes, but is not limited to:

35 “(a) The arrested person’s name, age, residence, employment, marital status and similar bi-  
36 ographical information;

37 “(b) The offense with which the arrested person is charged;

38 “(c) The conditions of release pursuant to ORS 135.230 to 135.290;

39 “(d) The identity of and biographical information concerning both complaining party and victim;

40 “(e) The identity of the investigating and arresting agency and the length of the investigation;

41 “(f) The circumstances of arrest, including time, place, resistance, pursuit and weapons used; and

42 “(g) Such information as may be necessary to enlist public assistance in apprehending fugitives  
43 from justice.

44 “(4) Test questions, scoring keys, and other data used to administer a licensing examination,  
45 employment, academic or other examination or testing procedure before the examination is given

1 and if the examination is to be used again. Records establishing procedures for and instructing  
2 persons administering, grading or evaluating an examination or testing procedure are included in  
3 this exemption, to the extent that disclosure would create a risk that the result might be affected.

4 “(5) Information consisting of production records, sale or purchase records or catch records, or  
5 similar business records of a private concern or enterprise, required by law to be submitted to or  
6 inspected by a governmental body to allow it to determine fees or assessments payable or to estab-  
7 lish production quotas, and the amounts of such fees or assessments payable or paid, to the extent  
8 that such information is in a form which would permit identification of the individual concern or  
9 enterprise. This exemption does not include records submitted by long term care facilities as defined  
10 in ORS 442.015 to the state for purposes of reimbursement of expenses or determining fees for pa-  
11 tient care. Nothing in this subsection shall limit the use which can be made of such information for  
12 regulatory purposes or its admissibility in any enforcement proceeding.

13 “(6) Information relating to the appraisal of real estate prior to its acquisition.

14 “(7) The names and signatures of employees who sign authorization cards or petitions for the  
15 purpose of requesting representation or decertification elections.

16 “(8) Investigatory information relating to any complaint filed under ORS 659A.820 or 659A.825,  
17 until such time as the complaint is resolved under ORS 659A.835, or a final order is issued under  
18 ORS 659A.850.

19 “(9) Investigatory information relating to any complaint or charge filed under ORS 243.676 and  
20 663.180.

21 “(10) Records, reports and other information received or compiled by the Director of the De-  
22 partment of Consumer and Business Services under ORS 697.732.

23 “(11) Information concerning the location of archaeological sites or objects as those terms are  
24 defined in ORS 358.905, except if the governing body of an Indian tribe requests the information and  
25 the need for the information is related to that Indian tribe’s cultural or religious activities. This  
26 exemption does not include information relating to a site that is all or part of an existing, commonly  
27 known and publicized tourist facility or attraction.

28 “(12) A personnel discipline action, or materials or documents supporting that action.

29 “(13) Information developed pursuant to ORS 496.004, 496.172 and 498.026 or ORS 496.192 and  
30 564.100, regarding the habitat, location or population of any threatened species or endangered spe-  
31 cies.

32 “(14) Writings prepared by or under the direction of faculty of public educational institutions,  
33 in connection with research, until publicly released, copyrighted or patented.

34 “(15) Computer programs developed or purchased by or for any public body for its own use. As  
35 used in this subsection, ‘computer program’ means a series of instructions or statements which per-  
36 mit the functioning of a computer system in a manner designed to provide storage, retrieval and  
37 manipulation of data from such computer system, and any associated documentation and source  
38 material that explain how to operate the computer program. ‘Computer program’ does not include:

39 “(a) The original data, including but not limited to numbers, text, voice, graphics and images;

40 “(b) Analyses, compilations and other manipulated forms of the original data produced by use  
41 of the program; or

42 “(c) The mathematical and statistical formulas which would be used if the manipulated forms  
43 of the original data were to be produced manually.

44 “(16) Data and information provided by participants to mediation under ORS 36.256.

45 “(17) Investigatory information relating to any complaint or charge filed under ORS chapter 654,

1 until a final administrative determination is made or, if a citation is issued, until an employer re-  
2 ceives notice of any citation.

3 “(18) Specific operational plans in connection with an anticipated threat to individual or public  
4 safety for deployment and use of personnel and equipment, prepared or used by a public body, if  
5 public disclosure of the plans would endanger an individual’s life or physical safety or jeopardize a  
6 law enforcement activity.

7 “(19)(a) Audits or audit reports required of a telecommunications carrier. As used in this para-  
8 graph, ‘audit or audit report’ means any external or internal audit or audit report pertaining to a  
9 telecommunications carrier, as defined in ORS 133.721, or pertaining to a corporation having an af-  
10 filiated interest, as defined in ORS 759.390, with a telecommunications carrier that is intended to  
11 make the operations of the entity more efficient, accurate or compliant with applicable rules, pro-  
12 cedures or standards, that may include self-criticism and that has been filed by the telecommuni-  
13 cations carrier or affiliate under compulsion of state law. ‘Audit or audit report’ does not mean an  
14 audit of a cost study that would be discoverable in a contested case proceeding and that is not  
15 subject to a protective order; and

16 “(b) Financial statements. As used in this paragraph, ‘financial statement’ means a financial  
17 statement of a nonregulated corporation having an affiliated interest, as defined in ORS 759.390,  
18 with a telecommunications carrier, as defined in ORS 133.721.

19 “(20) The residence address of an elector if authorized under ORS 247.965 and subject to ORS  
20 247.967.

21 “(21) The following records, communications and information submitted to a housing authority  
22 as defined in ORS 456.005, or to an urban renewal agency as defined in ORS 457.010, by applicants  
23 for and recipients of loans, grants and tax credits:

24 “(a) Personal and corporate financial statements and information, including tax returns;

25 “(b) Credit reports;

26 “(c) Project appraisals, excluding appraisals obtained in the course of transactions involving an  
27 interest in real estate that is acquired, leased, rented, exchanged, transferred or otherwise disposed  
28 of as part of the project, but only after the transactions have closed and are concluded;

29 “(d) Market studies and analyses;

30 “(e) Articles of incorporation, partnership agreements and operating agreements;

31 “(f) Commitment letters;

32 “(g) Project pro forma statements;

33 “(h) Project cost certifications and cost data;

34 “(i) Audits;

35 “(j) Project tenant correspondence requested to be confidential;

36 “(k) Tenant files relating to certification; and

37 “(L) Housing assistance payment requests.

38 “(22) Records or information that, if disclosed, would allow a person to:

39 “(a) Gain unauthorized access to buildings or other property;

40 “(b) Identify those areas of structural or operational vulnerability that would permit unlawful  
41 disruption to, or interference with, services; or

42 “(c) Disrupt, interfere with or gain unauthorized access to public funds or to information pro-  
43 cessing, communication or telecommunication systems, including the information contained in the  
44 systems, that are used or operated by a public body.

45 “(23) Records or information that would reveal or otherwise identify security measures, or

1 weaknesses or potential weaknesses in security measures, taken or recommended to be taken to  
2 protect:

3 “(a) An individual;

4 “(b) Buildings or other property;

5 “(c) Information processing, communication or telecommunication systems, including the infor-  
6 mation contained in the systems; or

7 “(d) Those operations of the Oregon State Lottery the security of which are subject to study and  
8 evaluation under ORS 461.180 (6).

9 “(24) Personal information held by or under the direction of officials of the Oregon Health and  
10 Science University, a public university listed in ORS 352.002 or the Oregon University System about  
11 a person who has or who is interested in donating money or property to the Oregon Health and  
12 Science University, the system or a public university, if the information is related to the family of  
13 the person, personal assets of the person or is incidental information not related to the donation.

14 “(25) The home address, professional address and telephone number of a person who has or who  
15 is interested in donating money or property to the Oregon University System or a public university  
16 listed in ORS 352.002.

17 “(26) Records of the name and address of a person who files a report with or pays an assessment  
18 to a commodity commission established under ORS 576.051 to 576.455, the Oregon Beef Council  
19 created under ORS 577.210 or the Oregon Wheat Commission created under ORS 578.030.

20 “(27) Information provided to, obtained by or used by a public body to authorize, originate, re-  
21 ceive or authenticate a transfer of funds, including but not limited to a credit card number, payment  
22 card expiration date, password, financial institution account number and financial institution routing  
23 number.

24 “(28) Social Security numbers as provided in ORS 107.840.

25 “(29) The electronic mail address of a student who attends a public university listed in ORS  
26 352.002 or Oregon Health and Science University.

27 “(30) The name, home address, professional address or location of a person that is engaged in,  
28 or that provides goods or services for, medical research at Oregon Health and Science University  
29 that is conducted using animals other than rodents. This subsection does not apply to Oregon  
30 Health and Science University press releases, websites or other publications circulated to the gen-  
31 eral public.

32 “(31) If requested by a public safety officer, as defined in ORS 181.610:

33 “(a) The home address and home telephone number of the public safety officer contained in the  
34 voter registration records for the public safety officer.

35 “(b) The home address and home telephone number of the public safety officer contained in re-  
36 cords of the Department of Public Safety Standards and Training.

37 “(c) The name of the public safety officer contained in county real property assessment or tax-  
38 ation records. This exemption:

39 “(A) Applies only to the name of the public safety officer and any other owner of the property  
40 in connection with a specific property identified by the officer in a request for exemption from dis-  
41 closure;

42 “(B) Applies only to records that may be made immediately available to the public upon request  
43 in person, by telephone or using the Internet;

44 “(C) Applies until the public safety officer requests termination of the exemption;

45 “(D) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for

1 governmental purposes; and

2 “(E) May not result in liability for the county if the name of the public safety officer is disclosed  
3 after a request for exemption from disclosure is made under this subsection.

4 “(32) Unless the public records request is made by a financial institution, as defined in ORS  
5 706.008, consumer finance company licensed under ORS chapter 725, mortgage banker or mortgage  
6 broker licensed under ORS 86A.095 to 86A.198, or title company for business purposes, records de-  
7 scribed in paragraph (a) of this subsection, if the exemption from disclosure of the records is sought  
8 by an individual described in paragraph (b) of this subsection using the procedure described in par-  
9 agraph (c) of this subsection:

10 “(a) The home address, home or cellular telephone number or personal electronic mail address  
11 contained in the records of any public body that has received the request that is set forth in:

12 “(A) A warranty deed, deed of trust, mortgage, lien, deed of reconveyance, release, satisfaction,  
13 substitution of trustee, easement, dog license, marriage license or military discharge record that is  
14 in the possession of the county clerk; or

15 “(B) Any public record of a public body other than the county clerk.

16 “(b) The individual claiming the exemption from disclosure must be a district attorney, a deputy  
17 district attorney, the Attorney General or an assistant attorney general, the United States Attorney  
18 for the District of Oregon or an assistant United States attorney for the District of Oregon, a city  
19 attorney who engages in the prosecution of criminal matters or a deputy city attorney who engages  
20 in the prosecution of criminal matters.

21 “(c) The individual claiming the exemption from disclosure must do so by filing the claim in  
22 writing with the public body for which the exemption from disclosure is being claimed on a form  
23 prescribed by the public body. Unless the claim is filed with the county clerk, the claim form shall  
24 list the public records in the possession of the public body to which the exemption applies. The ex-  
25 emption applies until the individual claiming the exemption requests termination of the exemption  
26 or ceases to qualify for the exemption.

27 “(33) The following voluntary conservation agreements and reports:

28 “(a) Land management plans required for voluntary stewardship agreements entered into under  
29 ORS 541.423; and

30 “(b) Written agreements relating to the conservation of greater sage grouse entered into vol-  
31 untarily by owners or occupiers of land with a soil and water conservation district under ORS  
32 568.550.

33 “(34) Sensitive business records or financial or commercial information of the State Accident  
34 Insurance Fund Corporation that is not customarily provided to business competitors. This ex-  
35 emption does not:

36 “(a) Apply to the formulas for determining dividends to be paid to employers insured by the  
37 State Accident Insurance Fund Corporation;

38 “(b) Apply to contracts for advertising, public relations or lobbying services or to documents  
39 related to the formation of such contracts;

40 “(c) Apply to group insurance contracts or to documents relating to the formation of such con-  
41 tracts, except that employer account records shall remain exempt from disclosure as provided in  
42 ORS 192.502 (35); or

43 “(d) Provide the basis for opposing the discovery of documents in litigation pursuant to the ap-  
44 plicable rules of civil procedure.

45 “(35) Records of the Department of Public Safety Standards and Training relating to investi-

1 gations conducted under ORS 181.662 or 181.878 (6), until the department issues the report described  
2 in ORS 181.662 or 181.878.

3 “(36) A medical examiner’s report, autopsy report or laboratory test report ordered by a medical  
4 examiner under ORS 146.117.

5 “(37) Any document or other information related to an audit of a public body, as defined in ORS  
6 174.109, that is in the custody of an auditor or audit organization operating under nationally re-  
7 cognized government auditing standards, until the auditor or audit organization issues a final audit  
8 report in accordance with those standards or the audit is abandoned. This exemption does not pro-  
9 hibit disclosure of a draft audit report that is provided to the audited entity for the entity’s response  
10 to the audit findings.

11 “(38)(a) Personally identifiable information collected as part of an electronic fare collection  
12 system of a mass transit system.

13 “(b) The exemption from disclosure in paragraph (a) of this subsection does not apply to public  
14 records that have attributes of anonymity that are sufficient, or that are aggregated into groupings  
15 that are broad enough, to ensure that persons cannot be identified by disclosure of the public re-  
16 cords.

17 “(c) As used in this subsection:

18 “(A) ‘Electronic fare collection system’ means the software and hardware used for, associated  
19 with or relating to the collection of transit fares for a mass transit system, including but not limited  
20 to computers, radio communication systems, personal mobile devices, wearable technology, fare in-  
21 struments, information technology, data storage or collection equipment, or other equipment or im-  
22 provements.

23 “(B) ‘Mass transit system’ has the meaning given that term in ORS 267.010.

24 “(C) ‘Personally identifiable information’ means all information relating to a person that ac-  
25 quires or uses a transit pass or other fare payment medium in connection with an electronic fare  
26 collection system, including but not limited to:

27 “(i) Customer account information, date of birth, telephone number, physical address, electronic  
28 mail address, credit or debit card information, bank account information, Social Security or taxpayer  
29 identification number or other identification number, transit pass or fare payment medium balances  
30 or history, or similar personal information; or

31 “(ii) Travel dates, travel times, frequency of use, travel locations, service types or vehicle use,  
32 or similar travel information.

33 “(39) **Audio or video recordings, whether digital or analog, resulting from a law enforce-  
34 ment officer’s operation of a video camera worn upon the officer’s person that records the  
35 officer’s interactions with members of the public while the officer is on duty. When a re-  
36 cording described in this subsection is subject to disclosure, the following apply:**

37 “(a) **Recordings that have been sealed in a court’s record of a court proceeding or oth-  
38 erwise ordered by a court not to be disclosed may not be disclosed.**

39 “(b) **A request for disclosure under this subsection must identify the approximate date  
40 and time of an incident for which the recordings are requested and be reasonably tailored  
41 to include only that material for which a public interest requires disclosure.**

42 “(c) **A video recording disclosed under this subsection must, prior to disclosure, be edited  
43 in a manner as to render the faces of all persons within the recording unidentifiable.**

44 “**SECTION 6.** ORS 192.501, as amended by section 3, chapter 455, Oregon Laws 2005, section  
45 7, chapter 608, Oregon Laws 2007, section 2, chapter 687, Oregon Laws 2007, section 2, chapter 48,



1 Oregon Laws 2008, section 3, chapter 57, Oregon Laws 2009, section 2, chapter 135, Oregon Laws  
2 2009, section 4, chapter 222, Oregon Laws 2009, section 2, chapter 769, Oregon Laws 2009, section  
3 15, chapter 9, Oregon Laws 2011, section 2, chapter 285, Oregon Laws 2011, section 69, chapter 637,  
4 Oregon Laws 2011, section 2, chapter 325, Oregon Laws 2013, section 108, chapter 768, Oregon Laws  
5 2013, section 2, chapter 37, Oregon Laws 2014, and section 2, chapter 64, Oregon Laws 2014, is  
6 amended to read:

7 “192.501. The following public records are exempt from disclosure under ORS 192.410 to 192.505  
8 unless the public interest requires disclosure in the particular instance:

9 “(1) Records of a public body pertaining to litigation to which the public body is a party if the  
10 complaint has been filed, or if the complaint has not been filed, if the public body shows that such  
11 litigation is reasonably likely to occur. This exemption does not apply to litigation which has been  
12 concluded, and nothing in this subsection shall limit any right or opportunity granted by discovery  
13 or deposition statutes to a party to litigation or potential litigation.

14 “(2) Trade secrets. ‘Trade secrets,’ as used in this section, may include, but are not limited to,  
15 any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or  
16 compilation of information which is not patented, which is known only to certain individuals within  
17 an organization and which is used in a business it conducts, having actual or potential commercial  
18 value, and which gives its user an opportunity to obtain a business advantage over competitors who  
19 do not know or use it.

20 “(3) Investigatory information compiled for criminal law purposes. The record of an arrest or the  
21 report of a crime shall be disclosed unless and only for so long as there is a clear need to delay  
22 disclosure in the course of a specific investigation, including the need to protect the complaining  
23 party or the victim. Nothing in this subsection shall limit any right constitutionally guaranteed, or  
24 granted by statute, to disclosure or discovery in criminal cases. For purposes of this subsection, the  
25 record of an arrest or the report of a crime includes, but is not limited to:

26 “(a) The arrested person’s name, age, residence, employment, marital status and similar bi-  
27 ographical information;

28 “(b) The offense with which the arrested person is charged;

29 “(c) The conditions of release pursuant to ORS 135.230 to 135.290;

30 “(d) The identity of and biographical information concerning both complaining party and victim;

31 “(e) The identity of the investigating and arresting agency and the length of the investigation;

32 “(f) The circumstances of arrest, including time, place, resistance, pursuit and weapons used; and

33 “(g) Such information as may be necessary to enlist public assistance in apprehending fugitives  
34 from justice.

35 “(4) Test questions, scoring keys, and other data used to administer a licensing examination,  
36 employment, academic or other examination or testing procedure before the examination is given  
37 and if the examination is to be used again. Records establishing procedures for and instructing  
38 persons administering, grading or evaluating an examination or testing procedure are included in  
39 this exemption, to the extent that disclosure would create a risk that the result might be affected.

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41 similar business records of a private concern or enterprise, required by law to be submitted to or  
42 inspected by a governmental body to allow it to determine fees or assessments payable or to estab-  
43 lish production quotas, and the amounts of such fees or assessments payable or paid, to the extent  
44 that such information is in a form which would permit identification of the individual concern or  
45 enterprise. This exemption does not include records submitted by long term care facilities as defined

1 in ORS 442.015 to the state for purposes of reimbursement of expenses or determining fees for pa-  
2 tient care. Nothing in this subsection shall limit the use which can be made of such information for  
3 regulatory purposes or its admissibility in any enforcement proceeding.

4 “(6) Information relating to the appraisal of real estate prior to its acquisition.

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6 purpose of requesting representation or decertification elections.

7 “(8) Investigatory information relating to any complaint filed under ORS 659A.820 or 659A.825,  
8 until such time as the complaint is resolved under ORS 659A.835, or a final order is issued under  
9 ORS 659A.850.

10 “(9) Investigatory information relating to any complaint or charge filed under ORS 243.676 and  
11 663.180.

12 “(10) Records, reports and other information received or compiled by the Director of the De-  
13 partment of Consumer and Business Services under ORS 697.732.

14 “(11) Information concerning the location of archaeological sites or objects as those terms are  
15 defined in ORS 358.905, except if the governing body of an Indian tribe requests the information and  
16 the need for the information is related to that Indian tribe’s cultural or religious activities. This  
17 exemption does not include information relating to a site that is all or part of an existing, commonly  
18 known and publicized tourist facility or attraction.

19 “(12) A personnel discipline action, or materials or documents supporting that action.

20 “(13) Information developed pursuant to ORS 496.004, 496.172 and 498.026 or ORS 496.192 and  
21 564.100, regarding the habitat, location or population of any threatened species or endangered spe-  
22 cies.

23 “(14) Writings prepared by or under the direction of faculty of public educational institutions,  
24 in connection with research, until publicly released, copyrighted or patented.

25 “(15) Computer programs developed or purchased by or for any public body for its own use. As  
26 used in this subsection, ‘computer program’ means a series of instructions or statements which per-  
27 mit the functioning of a computer system in a manner designed to provide storage, retrieval and  
28 manipulation of data from such computer system, and any associated documentation and source  
29 material that explain how to operate the computer program. ‘Computer program’ does not include:

30 “(a) The original data, including but not limited to numbers, text, voice, graphics and images;

31 “(b) Analyses, compilations and other manipulated forms of the original data produced by use  
32 of the program; or

33 “(c) The mathematical and statistical formulas which would be used if the manipulated forms  
34 of the original data were to be produced manually.

35 “(16) Data and information provided by participants to mediation under ORS 36.256.

36 “(17) Investigatory information relating to any complaint or charge filed under ORS chapter 654,  
37 until a final administrative determination is made or, if a citation is issued, until an employer re-  
38 ceives notice of any citation.

39 “(18) Specific operational plans in connection with an anticipated threat to individual or public  
40 safety for deployment and use of personnel and equipment, prepared or used by a public body, if  
41 public disclosure of the plans would endanger an individual’s life or physical safety or jeopardize a  
42 law enforcement activity.

43 “(19)(a) Audits or audit reports required of a telecommunications carrier. As used in this para-  
44 graph, ‘audit or audit report’ means any external or internal audit or audit report pertaining to a  
45 telecommunications carrier, as defined in ORS 133.721, or pertaining to a corporation having an af-

1 affiliated interest, as defined in ORS 759.390, with a telecommunications carrier that is intended to  
2 make the operations of the entity more efficient, accurate or compliant with applicable rules, pro-  
3 cedures or standards, that may include self-criticism and that has been filed by the telecommuni-  
4 cations carrier or affiliate under compulsion of state law. ‘Audit or audit report’ does not mean an  
5 audit of a cost study that would be discoverable in a contested case proceeding and that is not  
6 subject to a protective order; and

7 “(b) Financial statements. As used in this paragraph, ‘financial statement’ means a financial  
8 statement of a nonregulated corporation having an affiliated interest, as defined in ORS 759.390,  
9 with a telecommunications carrier, as defined in ORS 133.721.

10 “(20) The residence address of an elector if authorized under ORS 247.965 and subject to ORS  
11 247.967.

12 “(21) The following records, communications and information submitted to a housing authority  
13 as defined in ORS 456.005, or to an urban renewal agency as defined in ORS 457.010, by applicants  
14 for and recipients of loans, grants and tax credits:

15 “(a) Personal and corporate financial statements and information, including tax returns;

16 “(b) Credit reports;

17 “(c) Project appraisals, excluding appraisals obtained in the course of transactions involving an  
18 interest in real estate that is acquired, leased, rented, exchanged, transferred or otherwise disposed  
19 of as part of the project, but only after the transactions have closed and are concluded;

20 “(d) Market studies and analyses;

21 “(e) Articles of incorporation, partnership agreements and operating agreements;

22 “(f) Commitment letters;

23 “(g) Project pro forma statements;

24 “(h) Project cost certifications and cost data;

25 “(i) Audits;

26 “(j) Project tenant correspondence requested to be confidential;

27 “(k) Tenant files relating to certification; and

28 “(L) Housing assistance payment requests.

29 “(22) Records or information that, if disclosed, would allow a person to:

30 “(a) Gain unauthorized access to buildings or other property;

31 “(b) Identify those areas of structural or operational vulnerability that would permit unlawful  
32 disruption to, or interference with, services; or

33 “(c) Disrupt, interfere with or gain unauthorized access to public funds or to information pro-  
34 cessing, communication or telecommunication systems, including the information contained in the  
35 systems, that are used or operated by a public body.

36 “(23) Records or information that would reveal or otherwise identify security measures, or  
37 weaknesses or potential weaknesses in security measures, taken or recommended to be taken to  
38 protect:

39 “(a) An individual;

40 “(b) Buildings or other property;

41 “(c) Information processing, communication or telecommunication systems, including the infor-  
42 mation contained in the systems; or

43 “(d) Those operations of the Oregon State Lottery the security of which are subject to study and  
44 evaluation under ORS 461.180 (6).

45 “(24) Personal information held by or under the direction of officials of the Oregon Health and

1 Science University, a public university listed in ORS 352.002 or the Oregon University System about  
2 a person who has or who is interested in donating money or property to the Oregon Health and  
3 Science University, the system or a public university, if the information is related to the family of  
4 the person, personal assets of the person or is incidental information not related to the donation.

5 “(25) The home address, professional address and telephone number of a person who has or who  
6 is interested in donating money or property to the Oregon University System or a public university  
7 listed in ORS 352.002.

8 “(26) Records of the name and address of a person who files a report with or pays an assessment  
9 to a commodity commission established under ORS 576.051 to 576.455, the Oregon Beef Council  
10 created under ORS 577.210 or the Oregon Wheat Commission created under ORS 578.030.

11 “(27) Information provided to, obtained by or used by a public body to authorize, originate, re-  
12 ceive or authenticate a transfer of funds, including but not limited to a credit card number, payment  
13 card expiration date, password, financial institution account number and financial institution routing  
14 number.

15 “(28) Social Security numbers as provided in ORS 107.840.

16 “(29) The electronic mail address of a student who attends a public university listed in ORS  
17 352.002 or Oregon Health and Science University.

18 “(30) If requested by a public safety officer, as defined in ORS 181.610:

19 “(a) The home address and home telephone number of the public safety officer contained in the  
20 voter registration records for the public safety officer.

21 “(b) The home address and home telephone number of the public safety officer contained in re-  
22 cords of the Department of Public Safety Standards and Training.

23 “(c) The name of the public safety officer contained in county real property assessment or tax-  
24 ation records. This exemption:

25 “(A) Applies only to the name of the public safety officer and any other owner of the property  
26 in connection with a specific property identified by the officer in a request for exemption from dis-  
27 closure;

28 “(B) Applies only to records that may be made immediately available to the public upon request  
29 in person, by telephone or using the Internet;

30 “(C) Applies until the public safety officer requests termination of the exemption;

31 “(D) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for  
32 governmental purposes; and

33 “(E) May not result in liability for the county if the name of the public safety officer is disclosed  
34 after a request for exemption from disclosure is made under this subsection.

35 “(31) Unless the public records request is made by a financial institution, as defined in ORS  
36 706.008, consumer finance company licensed under ORS chapter 725, mortgage banker or mortgage  
37 broker licensed under ORS 86A.095 to 86A.198, or title company for business purposes, records de-  
38 scribed in paragraph (a) of this subsection, if the exemption from disclosure of the records is sought  
39 by an individual described in paragraph (b) of this subsection using the procedure described in par-  
40 agraph (c) of this subsection:

41 “(a) The home address, home or cellular telephone number or personal electronic mail address  
42 contained in the records of any public body that has received the request that is set forth in:

43 “(A) A warranty deed, deed of trust, mortgage, lien, deed of reconveyance, release, satisfaction,  
44 substitution of trustee, easement, dog license, marriage license or military discharge record that is  
45 in the possession of the county clerk; or

1 “(B) Any public record of a public body other than the county clerk.

2 “(b) The individual claiming the exemption from disclosure must be a district attorney, a deputy  
3 district attorney, the Attorney General or an assistant attorney general, the United States Attorney  
4 for the District of Oregon or an assistant United States attorney for the District of Oregon, a city  
5 attorney who engages in the prosecution of criminal matters or a deputy city attorney who engages  
6 in the prosecution of criminal matters.

7 “(c) The individual claiming the exemption from disclosure must do so by filing the claim in  
8 writing with the public body for which the exemption from disclosure is being claimed on a form  
9 prescribed by the public body. Unless the claim is filed with the county clerk, the claim form shall  
10 list the public records in the possession of the public body to which the exemption applies. The ex-  
11 emption applies until the individual claiming the exemption requests termination of the exemption  
12 or ceases to qualify for the exemption.

13 “(32) The following voluntary conservation agreements and reports:

14 “(a) Land management plans required for voluntary stewardship agreements entered into under  
15 ORS 541.423; and

16 “(b) Written agreements relating to the conservation of greater sage grouse entered into vol-  
17 untarily by owners or occupiers of land with a soil and water conservation district under ORS  
18 568.550.

19 “(33) Sensitive business records or financial or commercial information of the State Accident  
20 Insurance Fund Corporation that is not customarily provided to business competitors. This ex-  
21 emption does not:

22 “(a) Apply to the formulas for determining dividends to be paid to employers insured by the  
23 State Accident Insurance Fund Corporation;

24 “(b) Apply to contracts for advertising, public relations or lobbying services or to documents  
25 related to the formation of such contracts;

26 “(c) Apply to group insurance contracts or to documents relating to the formation of such con-  
27 tracts, except that employer account records shall remain exempt from disclosure as provided in  
28 ORS 192.502 (35); or

29 “(d) Provide the basis for opposing the discovery of documents in litigation pursuant to the ap-  
30 plicable rules of civil procedure.

31 “(34) Records of the Department of Public Safety Standards and Training relating to investi-  
32 gations conducted under ORS 181.662 or 181.878 (6), until the department issues the report described  
33 in ORS 181.662 or 181.878.

34 “(35) A medical examiner’s report, autopsy report or laboratory test report ordered by a medical  
35 examiner under ORS 146.117.

36 “(36) Any document or other information related to an audit of a public body, as defined in ORS  
37 174.109, that is in the custody of an auditor or audit organization operating under nationally re-  
38 cognized government auditing standards, until the auditor or audit organization issues a final audit  
39 report in accordance with those standards or the audit is abandoned. This exemption does not pro-  
40 hibit disclosure of a draft audit report that is provided to the audited entity for the entity’s response  
41 to the audit findings.

42 “(37)(a) Personally identifiable information collected as part of an electronic fare collection  
43 system of a mass transit system.

44 “(b) The exemption from disclosure in paragraph (a) of this subsection does not apply to public  
45 records that have attributes of anonymity that are sufficient, or that are aggregated into groupings

1 that are broad enough, to ensure that persons cannot be identified by disclosure of the public re-  
2 cords.

3 “(c) As used in this subsection:

4 “(A) ‘Electronic fare collection system’ means the software and hardware used for, associated  
5 with or relating to the collection of transit fares for a mass transit system, including but not limited  
6 to computers, radio communication systems, personal mobile devices, wearable technology, fare in-  
7 struments, information technology, data storage or collection equipment, or other equipment or im-  
8 provements.

9 “(B) ‘Mass transit system’ has the meaning given that term in ORS 267.010.

10 “(C) ‘Personally identifiable information’ means all information relating to a person that ac-  
11 quires or uses a transit pass or other fare payment medium in connection with an electronic fare  
12 collection system, including but not limited to:

13 “(i) Customer account information, date of birth, telephone number, physical address, electronic  
14 mail address, credit or debit card information, bank account information, Social Security or taxpayer  
15 identification number or other identification number, transit pass or fare payment medium balances  
16 or history, or similar personal information; or

17 “(ii) Travel dates, travel times, frequency of use, travel locations, service types or vehicle use,  
18 or similar travel information.

19 “**(38) Audio or video recordings, whether digital or analog, resulting from a law enforce-  
20 ment officer’s operation of a video camera worn upon the officer’s person that records the  
21 officer’s interactions with members of the public while the officer is on duty. When a re-  
22 cording described in this subsection is subject to disclosure, the following apply:**

23 “**(a) Recordings that have been sealed in a court’s record of a court proceeding or oth-  
24 erwise ordered by a court not to be disclosed may not be disclosed.**

25 “**(b) A request for disclosure under this subsection must identify the approximate date  
26 and time of an incident for which the recordings are requested and be reasonably tailored  
27 to include only that material for which a public interest requires disclosure.**

28 “**(c) A video recording disclosed under this subsection must, prior to disclosure, be edited  
29 in a manner as to render the faces of all persons within the recording unidentifiable.**

30 “**SECTION 7. This 2015 Act being necessary for the immediate preservation of the public  
31 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect  
32 on its passage.”**

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