

# Senate Bill 9

Sponsored by Senators COURTNEY, FERRIOLI, ROSENBAUM, Representatives KOTEK, HOYLE (at the request of Governor Kate Brown)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs Secretary of State to conduct performance audit of state agency public records retention and disclosure practices, including analysis and recommendations on specified criteria.

Requires submission of audit report to legislative entities and Governor on or before November 20, 2015.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to public records; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section:**

5 (a) **"Performance audit" has the meaning given that term in ORS 297.070.**

6 (b) **"State agency" has the meaning given that term in ORS 192.410.**

7 (2) **The Secretary of State shall conduct a performance audit examining state agency**  
8 **retention and disclosure practices concerning public records and requests for public records.**

9 (3) **The performance audit shall examine a sampling of state agencies as determined by**  
10 **the Secretary of State that includes large agencies with more than 500 full-time equivalent**  
11 **employees, medium agencies with between 51 and 500 full-time equivalent employees and**  
12 **small agencies with 50 or fewer full-time equivalent employees.**

13 (4) **The performance audit shall examine, report and make recommendations regarding:**

14 (a) **State agency practices and procedures for:**

15 (A) **Receiving public records requests, identifying the existence of records responsive to**  
16 **requests and gathering and disclosing responsive records;**

17 (B) **Managing record retention and the categorization and storage of records;**

18 (C) **Determining fee estimates and imposing or waiving fees under ORS 192.440;**

19 (D) **Determining and applying exemptions from required disclosure of public records;**

20 (E) **Managing workload, cost, timeliness, accuracy and completeness in responding to**  
21 **public records requests;**

22 (F) **Training and assigning responsibility for record retention management and record**  
23 **request processing; and**

24 (G) **Training and establishing guidelines concerning the use or creation of electronic mail,**  
25 **text messaging, instant messaging and other forms of electronic communication through**  
26 **which users create online communities to share information, messages and other content,**  
27 **as related to the public records laws;**

28 (b) **Consistency among state agencies in complying with public records laws;**

29 (c) **Issues that may produce unnecessary costs or inconsistencies among state agencies**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 in administering and interpreting public records laws;

2 (d) Best practices for complying with public records laws in a timely and efficient man-  
3 ner; and

4 (e) Use of technology for retaining and managing public records and for responding to  
5 public records requests.

6 (5) The Secretary of State may contact public records requesters to determine requester  
7 satisfaction with agency responses.

8 (6) The Secretary of State shall submit the audit report as prescribed in ORS 297.050, on  
9 or before November 20, 2015. A copy of the report shall also be submitted to the Governor.

10 SECTION 2. This 2015 Act being necessary for the immediate preservation of the public  
11 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect  
12 on its passage.  
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