

**PROPOSED AMENDMENTS TO
HOUSE BILL 2208**

1 On page 1 of the printed bill, line 2, delete “and 312.030” and insert “,
2 312.030 and 802.250”.

3 Delete lines 4 through 31 and delete pages 2 through 12 and insert:

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

6 “192.501. The following public records are exempt from disclosure under
7 ORS 192.410 to 192.505 unless the public interest requires disclosure in the
8 particular instance:

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

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

1 “(3) Investigatory information compiled for criminal law purposes. The
2 record of an arrest or the report of a crime shall be disclosed unless and only
3 for so long as there is a clear need to delay disclosure in the course of a
4 specific investigation, including the need to protect the complaining party
5 or the victim. Nothing in this subsection shall limit any right constitu-
6 tionally guaranteed, or granted by statute, to disclosure or discovery in
7 criminal cases. For purposes of this subsection, the record of an arrest or the
8 report of a crime includes, but is not limited to:

9 “(a) The arrested person’s name, age, residence, employment, marital sta-
10 tus and similar biographical information;

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

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

13 “(d) The identity of and biographical information concerning both com-
14 plaining party and victim;

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

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

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

21 “(4) Test questions, scoring keys, and other data used to administer a li-
22 censing examination, employment, academic or other examination or testing
23 procedure before the examination is given and if the examination is to be
24 used again. Records establishing procedures for and instructing persons ad-
25 ministering, grading or evaluating an examination or testing procedure are
26 included in this exemption, to the extent that disclosure would create a risk
27 that the result might be affected.

28 “(5) Information consisting of production records, sale or purchase records
29 or catch records, or similar business records of a private concern or enter-
30 prise, required by law to be submitted to or inspected by a governmental

1 body to allow it to determine fees or assessments payable or to establish
2 production quotas, and the amounts of such fees or assessments payable or
3 paid, to the extent that such information is in a form which would permit
4 identification of the individual concern or enterprise. This exemption does
5 not include records submitted by long term care facilities as defined in ORS
6 442.015 to the state for purposes of reimbursement of expenses or determining
7 fees for patient care. Nothing in this subsection shall limit the use which
8 can be made of such information for regulatory purposes or its admissibility
9 in any enforcement proceeding.

10 “(6) Information relating to the appraisal of real estate prior to its ac-
11 quisition.

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

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

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

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

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

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

1 “(13) Information developed pursuant to ORS 496.004, 496.172 and 498.026
2 or ORS 496.192 and 564.100, regarding the habitat, location or population of
3 any threatened species or endangered species.

4 “(14) Writings prepared by or under the direction of faculty of public ed-
5 ucational institutions, in connection with research, until publicly released,
6 copyrighted or patented.

7 “(15) Computer programs developed or purchased by or for any public
8 body for its own use. As used in this subsection, ‘computer program’ means
9 a series of instructions or statements which permit the functioning of a
10 computer system in a manner designed to provide storage, retrieval and ma-
11 nipulation of data from such computer system, and any associated documen-
12 tation and source material that explain how to operate the computer
13 program. ‘Computer program’ does not include:

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

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

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

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

22 “(17) Investigatory information relating to any complaint or charge filed
23 under ORS chapter 654, until a final administrative determination is made
24 or, if a citation is issued, until an employer receives notice of any citation.

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

30 “(19)(a) Audits or audit reports required of a telecommunications carrier.

1 As used in this paragraph, ‘audit or audit report’ means any external or
2 internal audit or audit report pertaining to a telecommunications carrier, as
3 defined in ORS 133.721, or pertaining to a corporation having an affiliated
4 interest, as defined in ORS 759.390, with a telecommunications carrier that
5 is intended to make the operations of the entity more efficient, accurate or
6 compliant with applicable rules, procedures or standards, that may include
7 self-criticism and that has been filed by the telecommunications carrier or
8 affiliate under compulsion of state law. ‘Audit or audit report’ does not mean
9 an audit of a cost study that would be discoverable in a contested case pro-
10 ceeding and that is not subject to a protective order; and

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

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

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

21 “(a) Personal and corporate financial statements and information, in-
22 cluding tax returns;

23 “(b) Credit reports;

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

28 “(d) Market studies and analyses;

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

1 “(f) Commitment letters;

2 “(g) Project pro forma statements;

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

4 “(i) Audits;

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

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

7 “(L) Housing assistance payment requests.

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

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

10 “(b) Identify those areas of structural or operational vulnerability that

11 would permit unlawful disruption to, or interference with, services; or

12 “(c) Disrupt, interfere with or gain unauthorized access to public funds

13 or to information processing, communication or telecommunication systems,

14 including the information contained in the systems, that are used or operated

15 by a public body.

16 “(23) Records or information that would reveal or otherwise identify se-

17 curity measures, or weaknesses or potential weaknesses in security measures,

18 taken or recommended to be taken to protect:

19 “(a) An individual;

20 “(b) Buildings or other property;

21 “(c) Information processing, communication or telecommunication sys-

22 tems, including the information contained in the systems; or

23 “(d) Those operations of the Oregon State Lottery the security of which

24 are subject to study and evaluation under ORS 461.180 (6).

25 “(24) Personal information held by or under the direction of officials of

26 the Oregon Health and Science University, a public university listed in ORS

27 352.002 or the Oregon University System about a person who has or who is

28 interested in donating money or property to the Oregon Health and Science

29 University, the system or a public university, if the information is related

30 to the family of the person, personal assets of the person or is incidental

1 information not related to the donation.

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

5 “(26) Records of the name and address of a person who files a report with
6 or pays an assessment to a commodity commission established under ORS
7 576.051 to 576.455, the Oregon Beef Council created under ORS 577.210 or the
8 Oregon Wheat Commission created under ORS 578.030.

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

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

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

17 “(30) The name, home address, professional address or location of a person
18 that is engaged in, or that provides goods or services for, medical research
19 at Oregon Health and Science University that is conducted using animals
20 other than rodents. This subsection does not apply to Oregon Health and
21 Science University press releases, websites or other publications circulated
22 to the general public.

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

24 “(a) The home address and home telephone number of the public safety
25 officer contained in the voter registration records for the [*public safety*] of-
26 ficer.

27 “(b) The home address and home telephone number of the public safety
28 officer contained in records of the Department of Public Safety Standards
29 and Training.

30 “(c) The name of the public safety officer contained in county real prop-

1 erty assessment or taxation records. This exemption:

2 “(A) Applies only to the name of the public safety officer and any other
3 owner of the property in connection with a specific property identified by the
4 officer in a request for exemption from disclosure;

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

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

9 “(D) Does not apply to disclosure of records among public bodies as de-
10 fined in ORS 174.109 for governmental purposes; and

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

14 “(32) Unless the public records request is made by a financial institution,
15 as defined in ORS 706.008, consumer finance company licensed under ORS
16 chapter 725, mortgage banker or mortgage broker licensed under ORS
17 86A.095 to 86A.198, or title company for business purposes, records described
18 in paragraph (a) of this subsection, if the exemption from disclosure of the
19 records is sought by an individual described in paragraph (b) of this sub-
20 section using the procedure described in paragraph (c) of this subsection:

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

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

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

29 “(b) The individual claiming the exemption from disclosure must be a
30 district attorney, a deputy district attorney, the Attorney General or an as-

1 sistant attorney general, the United States Attorney for the District of
2 Oregon or an assistant United States attorney for the District of Oregon, a
3 city attorney who engages in the prosecution of criminal matters or a deputy
4 city attorney who engages in the prosecution of criminal matters.

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

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

13 “(a) Land management plans required for voluntary stewardship agree-
14 ments entered into under ORS 541.423; and

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

18 “(34) Sensitive business records or financial or commercial information
19 of the State Accident Insurance Fund Corporation that is not customarily
20 provided to business competitors. This exemption does not:

21 “(a) Apply to the formulas for determining dividends to be paid to em-
22 ployers insured by the State Accident Insurance Fund Corporation;

23 “(b) Apply to contracts for advertising, public relations or lobbying ser-
24 vices or to documents related to the formation of such contracts;

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

28 “(d) Provide the basis for opposing the discovery of documents in liti-
29 gation pursuant to the applicable rules of civil procedure.

30 “(35) Records of the Department of Public Safety Standards and Training

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

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

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

12 “(38)(a) Personally identifiable information collected as part of an elec-
13 tronic fare collection system of a mass transit system.

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

18 “(c) As used in this subsection:

19 “(A) ‘Electronic fare collection system’ means the software and hardware
20 used for, associated with or relating to the collection of transit fares for a
21 mass transit system, including but not limited to computers, radio commu-
22 nication systems, personal mobile devices, wearable technology, fare instru-
23 ments, information technology, data storage or collection equipment, or other
24 equipment or improvements.

25 “(B) ‘Mass transit system’ has the meaning given that term in ORS
26 267.010.

27 “(C) ‘Personally identifiable information’ means all information relating
28 to a person that acquires or uses a transit pass or other fare payment me-
29 dium in connection with an electronic fare collection system, including but
30 not limited to:

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

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

8 **“(39)(a) If requested by a civil code enforcement officer:**

9 **“(A) The home address and home telephone number of the civil
10 code enforcement officer contained in the voter registration records
11 for the officer.**

12 **“(B) The name of the civil code enforcement officer contained in
13 county real property assessment or taxation records. This exemption:**

14 **“(i) Applies only to the name of the civil code enforcement officer
15 and any other owner of the property in connection with a specific
16 property identified by the officer in a request for exemption from dis-
17 closure;**

18 **“(ii) Applies only to records that may be made immediately avail-
19 able to the public upon request in person, by telephone or using the
20 Internet;**

21 **“(iii) Applies until the civil code enforcement officer requests ter-
22 mination of the exemption;**

23 **“(iv) Does not apply to disclosure of records among public bodies
24 as defined in ORS 174.109 for governmental purposes; and**

25 **“(v) May not result in liability for the county if the name of the
26 civil code enforcement officer is disclosed after a request for ex-
27 emption from disclosure is made under this subsection.**

28 **“(b) As used in this subsection, ‘civil code enforcement officer’
29 means an employee of a public body, as defined in ORS 174.109, who
30 is charged with enforcing laws or ordinances relating to land use,**

1 **zoning, use of rights-of-way, solid waste, hazardous waste, sewage**
2 **treatment and disposal or the state building code.**

3 **“SECTION 2.** ORS 192.501, as amended by section 3, chapter 455, Oregon
4 Laws 2005, section 7, chapter 608, Oregon Laws 2007, section 2, chapter 687,
5 Oregon Laws 2007, section 2, chapter 48, Oregon Laws 2008, section 3, chap-
6 ter 57, Oregon Laws 2009, section 2, chapter 135, Oregon Laws 2009, section
7 4, chapter 222, Oregon Laws 2009, section 2, chapter 769, Oregon Laws 2009,
8 section 15, chapter 9, Oregon Laws 2011, section 2, chapter 285, Oregon Laws
9 2011, section 69, chapter 637, Oregon Laws 2011, section 2, chapter 325,
10 Oregon Laws 2013, section 108, chapter 768, Oregon Laws 2013, section 2,
11 chapter 37, Oregon Laws 2014, and section 2, chapter 64, Oregon Laws 2014,
12 is amended to read:

13 “192.501. The following public records are exempt from disclosure under
14 ORS 192.410 to 192.505 unless the public interest requires disclosure in the
15 particular instance:

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

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

30 “(3) Investigatory information compiled for criminal law purposes. The

1 record of an arrest or the report of a crime shall be disclosed unless and only
2 for so long as there is a clear need to delay disclosure in the course of a
3 specific investigation, including the need to protect the complaining party
4 or the victim. Nothing in this subsection shall limit any right constitu-
5 tionally guaranteed, or granted by statute, to disclosure or discovery in
6 criminal cases. For purposes of this subsection, the record of an arrest or the
7 report of a crime includes, but is not limited to:

8 “(a) The arrested person’s name, age, residence, employment, marital sta-
9 tus and similar biographical information;

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

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

12 “(d) The identity of and biographical information concerning both com-
13 plaining party and victim;

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

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

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

20 “(4) Test questions, scoring keys, and other data used to administer a li-
21 censing examination, employment, academic or other examination or testing
22 procedure before the examination is given and if the examination is to be
23 used again. Records establishing procedures for and instructing persons ad-
24 ministering, grading or evaluating an examination or testing procedure are
25 included in this exemption, to the extent that disclosure would create a risk
26 that the result might be affected.

27 “(5) Information consisting of production records, sale or purchase records
28 or catch records, or similar business records of a private concern or enter-
29 prise, required by law to be submitted to or inspected by a governmental
30 body to allow it to determine fees or assessments payable or to establish

1 production quotas, and the amounts of such fees or assessments payable or
2 paid, to the extent that such information is in a form which would permit
3 identification of the individual concern or enterprise. This exemption does
4 not include records submitted by long term care facilities as defined in ORS
5 442.015 to the state for purposes of reimbursement of expenses or determining
6 fees for patient care. Nothing in this subsection shall limit the use which
7 can be made of such information for regulatory purposes or its admissibility
8 in any enforcement proceeding.

9 “(6) Information relating to the appraisal of real estate prior to its ac-
10 quisition.

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

14 “(8) Investigatory information relating to any complaint filed under ORS
15 659A.820 or 659A.825, until such time as the complaint is resolved under ORS
16 659A.835, or a final order is issued under ORS 659A.850.

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

19 “(10) Records, reports and other information received or compiled by the
20 Director of the Department of Consumer and Business Services under ORS
21 697.732.

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

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

30 “(13) Information developed pursuant to ORS 496.004, 496.172 and 498.026

1 or ORS 496.192 and 564.100, regarding the habitat, location or population of
2 any threatened species or endangered species.

3 “(14) Writings prepared by or under the direction of faculty of public ed-
4 ucational institutions, in connection with research, until publicly released,
5 copyrighted or patented.

6 “(15) Computer programs developed or purchased by or for any public
7 body for its own use. As used in this subsection, ‘computer program’ means
8 a series of instructions or statements which permit the functioning of a
9 computer system in a manner designed to provide storage, retrieval and ma-
10 nipulation of data from such computer system, and any associated documen-
11 tation and source material that explain how to operate the computer
12 program. ‘Computer program’ does not include:

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

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

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

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

21 “(17) Investigatory information relating to any complaint or charge filed
22 under ORS chapter 654, until a final administrative determination is made
23 or, if a citation is issued, until an employer receives notice of any citation.

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

29 “(19)(a) Audits or audit reports required of a telecommunications carrier.
30 As used in this paragraph, ‘audit or audit report’ means any external or

1 internal audit or audit report pertaining to a telecommunications carrier, as
2 defined in ORS 133.721, or pertaining to a corporation having an affiliated
3 interest, as defined in ORS 759.390, with a telecommunications carrier that
4 is intended to make the operations of the entity more efficient, accurate or
5 compliant with applicable rules, procedures or standards, that may include
6 self-criticism and that has been filed by the telecommunications carrier or
7 affiliate under compulsion of state law. ‘Audit or audit report’ does not mean
8 an audit of a cost study that would be discoverable in a contested case pro-
9 ceeding and that is not subject to a protective order; and

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

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

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

20 “(a) Personal and corporate financial statements and information, in-
21 cluding tax returns;

22 “(b) Credit reports;

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

27 “(d) Market studies and analyses;

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

30 “(f) Commitment letters;

1 “(g) Project pro forma statements;
2 “(h) Project cost certifications and cost data;
3 “(i) Audits;
4 “(j) Project tenant correspondence requested to be confidential;
5 “(k) Tenant files relating to certification; and
6 “(L) Housing assistance payment requests.
7 “(22) Records or information that, if disclosed, would allow a person to:
8 “(a) Gain unauthorized access to buildings or other property;
9 “(b) Identify those areas of structural or operational vulnerability that
10 would permit unlawful disruption to, or interference with, services; or
11 “(c) Disrupt, interfere with or gain unauthorized access to public funds
12 or to information processing, communication or telecommunication systems,
13 including the information contained in the systems, that are used or operated
14 by a public body.
15 “(23) Records or information that would reveal or otherwise identify se-
16 curity measures, or weaknesses or potential weaknesses in security measures,
17 taken or recommended to be taken to protect:
18 “(a) An individual;
19 “(b) Buildings or other property;
20 “(c) Information processing, communication or telecommunication sys-
21 tems, including the information contained in the systems; or
22 “(d) Those operations of the Oregon State Lottery the security of which
23 are subject to study and evaluation under ORS 461.180 (6).
24 “(24) Personal information held by or under the direction of officials of
25 the Oregon Health and Science University, a public university listed in ORS
26 352.002 or the Oregon University System about a person who has or who is
27 interested in donating money or property to the Oregon Health and Science
28 University, the system or a public university, if the information is related
29 to the family of the person, personal assets of the person or is incidental
30 information not related to the donation.

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

4 “(26) Records of the name and address of a person who files a report with
5 or pays an assessment to a commodity commission established under ORS
6 576.051 to 576.455, the Oregon Beef Council created under ORS 577.210 or the
7 Oregon Wheat Commission created under ORS 578.030.

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

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

14 “(29) The electronic mail address of a student who attends a public uni-
15 versity listed in ORS 352.002 or Oregon Health and Science University.

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

17 “(a) The home address and home telephone number of the public safety
18 officer contained in the voter registration records for the [*public safety*] of-
19 ficer.

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

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

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

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

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

1 exemption;

2 “(D) Does not apply to disclosure of records among public bodies as de-
3 fined in ORS 174.109 for governmental purposes; and

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

7 “(31) Unless the public records request is made by a financial institution,
8 as defined in ORS 706.008, consumer finance company licensed under ORS
9 chapter 725, mortgage banker or mortgage broker licensed under ORS
10 86A.095 to 86A.198, or title company for business purposes, records described
11 in paragraph (a) of this subsection, if the exemption from disclosure of the
12 records is sought by an individual described in paragraph (b) of this sub-
13 section using the procedure described in paragraph (c) of this subsection:

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

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

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

22 “(b) The individual claiming the exemption from disclosure must be a
23 district attorney, a deputy district attorney, the Attorney General or an as-
24 sistant attorney general, the United States Attorney for the District of
25 Oregon or an assistant United States attorney for the District of Oregon, a
26 city attorney who engages in the prosecution of criminal matters or a deputy
27 city attorney who engages in the prosecution of criminal matters.

28 “(c) The individual claiming the exemption from disclosure must do so by
29 filing the claim in writing with the public body for which the exemption from
30 disclosure is being claimed on a form prescribed by the public body. Unless

1 the claim is filed with the county clerk, the claim form shall list the public
2 records in the possession of the public body to which the exemption applies.
3 The exemption applies until the individual claiming the exemption requests
4 termination of the exemption or ceases to qualify for the exemption.

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

6 “(a) Land management plans required for voluntary stewardship agree-
7 ments entered into under ORS 541.423; and

8 “(b) Written agreements relating to the conservation of greater sage
9 grouse entered into voluntarily by owners or occupiers of land with a soil
10 and water conservation district under ORS 568.550.

11 “(33) Sensitive business records or financial or commercial information
12 of the State Accident Insurance Fund Corporation that is not customarily
13 provided to business competitors. This exemption does not:

14 “(a) Apply to the formulas for determining dividends to be paid to em-
15 ployers insured by the State Accident Insurance Fund Corporation;

16 “(b) Apply to contracts for advertising, public relations or lobbying ser-
17 vices or to documents related to the formation of such contracts;

18 “(c) Apply to group insurance contracts or to documents relating to the
19 formation of such contracts, except that employer account records shall re-
20 main exempt from disclosure as provided in ORS 192.502 (35); or

21 “(d) Provide the basis for opposing the discovery of documents in liti-
22 gation pursuant to the applicable rules of civil procedure.

23 “(34) Records of the Department of Public Safety Standards and Training
24 relating to investigations conducted under ORS 181.662 or 181.878 (6), until
25 the department issues the report described in ORS 181.662 or 181.878.

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

28 “(36) Any document or other information related to an audit of a public
29 body, as defined in ORS 174.109, that is in the custody of an auditor or audit
30 organization operating under nationally recognized government auditing

1 standards, until the auditor or audit organization issues a final audit report
2 in accordance with those standards or the audit is abandoned. This ex-
3 emption does not prohibit disclosure of a draft audit report that is provided
4 to the audited entity for the entity's response to the audit findings.

5 “(37)(a) Personally identifiable information collected as part of an elec-
6 tronic fare collection system of a mass transit system.

7 “(b) The exemption from disclosure in paragraph (a) of this subsection
8 does not apply to public records that have attributes of anonymity that are
9 sufficient, or that are aggregated into groupings that are broad enough, to
10 ensure that persons cannot be identified by disclosure of the public records.

11 “(c) As used in this subsection:

12 “(A) ‘Electronic fare collection system’ means the software and hardware
13 used for, associated with or relating to the collection of transit fares for a
14 mass transit system, including but not limited to computers, radio commu-
15 nication systems, personal mobile devices, wearable technology, fare instru-
16 ments, information technology, data storage or collection equipment, or other
17 equipment or improvements.

18 “(B) ‘Mass transit system’ has the meaning given that term in ORS
19 267.010.

20 “(C) ‘Personally identifiable information’ means all information relating
21 to a person that acquires or uses a transit pass or other fare payment me-
22 dium in connection with an electronic fare collection system, including but
23 not limited to:

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

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

1 **“(38)(a) If requested by a civil code enforcement officer:**

2 **“(A) The home address and home telephone number of the civil**
3 **code enforcement officer contained in the voter registration records**
4 **for the officer.**

5 **“(B) The name of the civil code enforcement officer contained in**
6 **county real property assessment or taxation records. This exemption:**

7 **“(i) Applies only to the name of the civil code enforcement officer**
8 **and any other owner of the property in connection with a specific**
9 **property identified by the officer in a request for exemption from dis-**
10 **closure;**

11 **“(ii) Applies only to records that may be made immediately avail-**
12 **able to the public upon request in person, by telephone or using the**
13 **Internet;**

14 **“(iii) Applies until the civil code enforcement officer requests ter-**
15 **mination of the exemption;**

16 **“(iv) Does not apply to disclosure of records among public bodies**
17 **as defined in ORS 174.109 for governmental purposes; and**

18 **“(v) May not result in liability for the county if the name of the**
19 **civil code enforcement officer is disclosed after a request for ex-**
20 **emption from disclosure is made under this subsection.**

21 **“(b) As used in this subsection, ‘civil code enforcement officer’**
22 **means an employee of a public body, as defined in ORS 174.109, who**
23 **is charged with enforcing laws or ordinances relating to land use,**
24 **zoning, use of rights-of-way, solid waste, hazardous waste, sewage**
25 **treatment and disposal or the state building code.**

26 **“SECTION 3. ORS 312.030 is amended to read:**

27 **“312.030. (1) Within two months after the day of delinquency of taxes of**
28 **each year the tax collector shall prepare a list of all real properties then**
29 **subject to foreclosure. The list shall be known as the foreclosure list and**
30 **shall contain:**

1 “(a) The names of the several persons appearing in the latest tax roll as
2 the respective owners of tax-delinquent properties. If the owner of the prop-
3 erty is an attorney, or a public safety officer or **civil code enforcement**
4 **officer** who has applied for an exemption under ORS 192.501, the list shall
5 state that the name of the owner is suppressed by law.

6 “(b) A description of each such property as it appears in the latest tax
7 roll.

8 “(c) The year or years for which taxes are delinquent on each property.

9 “(d) The principal amount of the delinquent taxes of each year and the
10 amount of accrued and accruing interest thereon to the day of publication.

11 “(2) Thereafter, and until judgment is obtained pursuant to ORS 312.090,
12 interest shall be charged and collected on each of the several amounts of
13 taxes included in the foreclosure list at the rate provided in ORS 311.505 (2).

14 “**SECTION 4.** ORS 802.250 is amended to read:

15 “802.250. (1) An eligible public employee may request that any driver or
16 vehicle record kept by the Department of Transportation that contains or is
17 required to contain the eligible employee’s residence address contain instead
18 the address of the public agency employing the eligible employee. A request
19 under this section shall:

20 “(a) Be in a form specified by the department that provides for verifica-
21 tion of the eligible employee’s employment.

22 “(b) Contain verification by the employing public agency of the eligible
23 employee’s employment with the public agency.

24 “(2) Upon receipt of a request and verification under subsection (1) of this
25 section, the department shall remove the eligible employee’s residence ad-
26 dress from its records, if necessary, and substitute therefor the address of the
27 public agency employing the eligible employee. The department shall indicate
28 on the records that the address shown is an employment address. While the
29 request is in effect, the eligible employee may enter the address of the public
30 agency employing the eligible employee on any driver or vehicle form issued

1 by the department that requires an address.

2 “(3) A public agency that verifies an eligible employee’s employment un-
3 der subsection (1) of this section shall notify the department within 30 days
4 if the eligible employee ceases to be employed by the public agency. The el-
5 igible employee shall notify the department of a change of address as pro-
6 vided in ORS 803.220 or 807.560.

7 “(4) If an eligible employee is killed in the line of duty, a person who is
8 a household member of the eligible employee may request that any driver or
9 vehicle record kept by the department that contains or is required to contain
10 the household member’s residence address continue to contain the address
11 of the public agency that employed the eligible employee for up to four years
12 after the date of the death of the eligible employee. On or before the date
13 on which the four-year period ends, the household member shall notify the
14 department of a change of address as provided in ORS 803.220 or 807.560. A
15 request under this subsection shall be in a form specified by the department.

16 “(5) As used in this section, ‘eligible employee’ means:

17 “(a) A member of the State Board of Parole and Post-Prison Supervision.

18 “(b) The Director of the Department of Corrections and an employee of
19 an institution defined in ORS 421.005 as Department of Corrections insti-
20 tutions, whose duties, as assigned by the superintendent, include the custody
21 of persons committed to the custody of or transferred to the institution.

22 “(c) A parole and probation officer employed by the Department of Cor-
23 rections and an employee of the Department of Corrections Release Center
24 whose duties, as assigned by the Chief of the Release Center, include the
25 custody of persons committed to the custody of or transferred to the Release
26 Center.

27 “(d) A police officer appointed under ORS 276.021 or 276.023.

28 “(e) An employee of the State Department of Agriculture who is classified
29 as a brand inspector by the Director of Agriculture.

30 “(f) An investigator of the Criminal Justice Division of the Department

1 of Justice.

2 “(g) A corrections officer as defined in ORS 181.610.

3 “(h) A federal officer. As used in this paragraph, ‘federal officer’ means
4 a special agent or law enforcement officer employed by:

5 “(A) The Federal Bureau of Investigation;

6 “(B) The United States Secret Service;

7 “(C) The United States Citizenship and Immigration Services;

8 “(D) The United States Marshals Service;

9 “(E) The Drug Enforcement Administration;

10 “(F) The United States Postal Service;

11 “(G) The United States Customs and Border Protection;

12 “(H) The United States General Services Administration;

13 “(I) The United States Department of Agriculture;

14 “(J) The Bureau of Alcohol, Tobacco, Firearms and Explosives;

15 “(K) The Internal Revenue Service;

16 “(L) The United States Department of the Interior; or

17 “(M) Any federal agency if the person is empowered to effect an arrest
18 with or without warrant for violations of the United States Code and is au-
19 thorized to carry firearms in the performance of duty.

20 “(i) An employee of the Department of Human Services or the Oregon
21 Health Authority whose duties include personal contact with clients or pa-
22 tients of the department or the authority.

23 “(j) Any judge of a court of this state.

24 “(k) An employee of the Oregon Youth Authority whose duties include
25 personal contact with persons committed to the legal or physical custody of
26 the authority.

27 “(L) A district attorney, as defined in ORS 131.005, or deputy district at-
28 torney.

29 “(m) An employee who provides educational services to persons who are
30 clients or patients of the Department of Human Services or the Oregon

1 Health Authority, who are under the jurisdiction of the Psychiatric Security
2 Review Board or who are under the custody or supervision of the Department
3 of Corrections, the State Board of Parole and Post-Prison Supervision, a
4 community corrections agency, the Oregon Youth Authority or a juvenile
5 department. As used in this paragraph, ‘employee who provides educational
6 services’ means a person who provides instruction, or services related to the
7 instruction, of a subject usually taught in an elementary school, a secondary
8 school or a community college or who provides special education and related
9 services in other than a school setting and who works for:

10 “(A) An education service district or a community college district; or

11 “(B) A state officer, board, commission, bureau, department or division in
12 the executive branch of state government that provides educational services.

13 “(n) An employee of the Oregon Liquor Control Commission who is:

14 “(A) A liquor enforcement inspector; or

15 “(B) A regulatory manager.

16 “(o) A police officer as defined in ORS 801.395.

17 “(p) An employee whose duties include personal contact with criminal
18 offenders and who is employed by a law enforcement unit, as defined in ORS
19 181.610.

20 “(q) **A civil code enforcement officer, as defined in ORS 192.501.**”.

21
