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Oregon Access Project

The Secretary of State is launching a new service to improve access to public records, the Oregon Access Project. The Archives Division will expand training opportunities on accessing public records for members of the public, media, state agencies, and local governments while adding a new service: facilitated dispute resolution for public records requests. By maximizing current staff expertise, using existing resources, and avoiding unnecessary duplication, Oregon will save more than \$3.5 million over the next decade.

Educate

In recent months, the Archives Division has contacted other states inquiring as to what they are doing to reduce the cost of public records disputes—what works and what doesn't. The overwhelming cost-saving feature that successful programs have in common is education—not only for government agencies but for the general public and media as well. Successful programs have seen a direct correlation between increased education and decreased disputes.

Learning from such successes, the Oregon Access Project focuses on educating the public, media, state agencies, and local governments on the transparency requirements of public records law. The Archives Division already conducts training sessions throughout the state for state agencies and local governments in partnership with the Attorney General's office. Training sessions will now be offered to members of the public and media, and training frequency will increase.

Mediation

The second feature of the Oregon Access Project is to provide facilitated dispute resolution for public records requests. This will include assisting state agencies and local governments as well as the general public and the media. The following mediation process will be established by administrative rule:

1. Step One - Any member of the public, the media, or a government entity may submit a request for assistance to the State Archivist.
2. Step Two - The Archivist will discuss the records request with both parties and determine if the request needs to be narrowed or clarified. By working with both parties to reach a compromise, many cases will be resolved at this point. All others will move to Step Three.
3. Step Three - The Archivist will confidentially look at the records in question to determine if they can be disclosed in whole, in part, or not at all. In some cases, the Attorney General will be consulted for legal advice.
4. Step Four - In cases where the Archivist determines that the records can be disclosed in whole or in part, the Archivist will work with the government entity and requestor to come to an amicable solution.
5. Step Five - If a solution is not reached, the requestor will be informed of the process to escalate to the Attorney General, District Attorney, or appropriate legal counsel. The government entity will also be informed of its right to consult legal counsel for a formal opinion.

Based on Archives Division research, most cases are settled before Step Five. For example, in 2014-2015, Indiana received 4,245 inquiries. Of those, 317 rose to the level of a formal complaint (Step Three in the process above) with 25 being withdrawn, 23 rejected, and 2 resulting in a formal lawsuit. Indiana advises that *education* is key and will reduce contested cases.