

**KATE BROWN**  
**GOVERNOR**



June 20, 2017

**To:** Co-Chair Manning, Co-Chair Smith and members of the Joint Committee on Ways and Means Subcommittee on General Government

**Subject:** SB 106

Co-Chair Manning, Co-Chair Smith, and members of the Committee, thank you for having me here today. My name is Emily Matasar, and I am the Government Accountability Attorney in the Governor's Office. I am grateful for the opportunity to speak to SB 106, the Governor's government transparency bill focused on improving the public's access to public records.

As you know, one of Governor Brown's leading priorities is improving state government's accountability and transparency. As part of that work, in the nearly two and a half years that she has been in office, Governor Brown has taken a number of executive and administrative actions to improve the state's public records systems.

Within her own office, Governor Brown has increased transparency by publicly posting online all public records requests and all responses to those requests – she is one of only two Governors nationwide to do so. Governor Brown is the first Oregon governor to hire a staff attorney solely devoted to public records requests and government accountability issues (me), and is the first Oregon governor to proactively post her weekly calendar online and her employees' Conflict of Interest forms as they come in.

In addition, since the day Governor Brown took office, the Governor's Office has received several hundred public records requests, has closed or satisfied almost all of them, and has produced over 400,000 pages of records.

Governor Brown has also made improvements to the administration of the public records law by state agencies. In accordance with her Executive Order No. 16-06, every state agency has adopted a public records policy compliant with the state archivist's model policy. DAS has also standardized both the costs of requests and the grant of fee waivers for all state agencies.

Governor Brown believes there are still many improvements that can be made, at both the state and local level.

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Senate Bill 106 creates the office of the Public Records Advocate, whose core mission is to improve the way public bodies respond to public records requests. The Advocate will serve government bodies, requesters, and the public at large by performing two primary functions that do not currently exist in the state. First, the Advocate will provide education and training to state agencies and local governments throughout the state on responding to public records requests. The education provided by the Advocate will help prevent disputes between requesters and public bodies from developing, making the system work more fairly, more smoothly, and more efficiently. Where public record disputes endure, the Advocate's second function is to provide facilitated dispute resolution services to state agencies and requesters on public records disagreements, including disputes on the scope of a request, denial of a fee waiver, and cost to produce. This function will help limit subsequent public record-related litigation.

In short, as a result of the Advocate's education and training, fewer disputes will arise, and when they do, there will be an avenue available to quickly, amicably, and inexpensively resolve them.

Senate Bill 106 also creates the Public Records Advisory Council. The Council is composed of a diverse group of experts from all sides of the public records process. The Council will meet regularly to discuss and analyze public records practices and procedures and will make regular recommendations to the Governor and Legislative Assembly. The Council makes permanent the on-again, off-again conversations on public records and transparency to ensure they continue through changes in administrations and issues-of-the-day.

Our Office has worked extensively with various stakeholders, including those who came to speak today, to arrive at the -16 amendments before you, and I am confident saying this is a value-add to the state's public records system.

Along with SB 481 and HB 2101, SB 106 represents the most significant Public Records Law reform since the Public Records Act was passed in the 1970s. Governor Brown is passionate about Senate Bill 106 because the Public Records Advocate and Public Records Advisory Council will play a key role in addressing the issues that exist in the law today, and establish a system to continue addressing new issues as they arise in the future.

Sincerely,



Emily Matasar  
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Office of Governor Kate Brown