



**Testimony of Kimberly McCullough, Policy Director
In Support of HB 2101A
Joint Committee on Ways and Means Subcommittee on General Government
June 29, 2017**

Co-Chair Manning, Co-Chair Smith, and Members of the Committee:

The American Civil Liberties Union of Oregon¹ supports HB 2101A, which would create a legislative review process of longstanding and proposed exemptions to public records requests. This review process will make government more open and accountable to the people. Furthermore, public trust will be enhanced.

HB 2101A is part of a trio legislation that aims to provide adjustments to laws that govern the public's access to information. First, SB 106A would create an Office of Public Records Advocate and Advisory Council. Second, SB 481A, which was passed and signed by the Governor on June 22, develops ways, based on the Attorney General's Public Records Law Reform Task Force, to improve communications between the public and requester of information. HB 2101A, combined with these two other bills, can ensure public records legislation in Oregon going forward is consistent with our state's strong values of open and transparent government.

HB 2101A establishes a Sunshine Committee to review public record exemptions included in the Attorney General's exemption catalog, a public record subcommittee of the Legislative Counsel Committee to review the Sunshine Committee's biennial reports, and a requirement for Legislative Counsel to prepare an impact statement for each measure reported out of a legislative committee that may affect disclosure of public records.

Over the years, the exemptions to our public records laws have continued to multiply. The list of exemptions continues to grow, yet it is rare that an exemption is reassessed to determine if it is truly serving the people of Oregon. A Sunshine Committee that includes a diverse group of lawmakers, media representatives, and advocates for open government will ensure that the process of reviewing and improving Oregon's Public Record Law is transparent and meaningfully engages the public.

Open government is a cornerstone of democracy. It enables the public and the press to play a watchful role in curbing wasteful government spending and guarding against corruption and misconduct. It permits the people to be engaged in their governance. Indeed, openness is a prerequisite for trust, which has often been in short supply in Oregon and across the country. The Legislative Counsel's impact statements required by the bill will provide the public with specific explanations on how measure changes submitted by the Sunshine Committee will change existing standards regarding disclosure and its impact on the public interest.

¹ The American Civil Liberties Union of Oregon (ACLU of Oregon) is a nonpartisan, nonprofit organization with more than 43,000 members in the State of Oregon.

By keeping its actions open to scrutiny, government can show the public that it has nothing to hide, while helping cast light on inappropriate or unlawful activity when it does occur. As explained by United States Supreme Court Justice Louis Brandeis, “Sunlight is ... the best of disinfectants.”²

For these reasons, the ACLU of Oregon urges you to support HB 2101A. Please feel free to contact me if you have any questions, comments, or concerns.

² Louis D. Brandeis, *Other People's Money and How the Bankers Use It*, 92 (1914), New York, Frederick A. Stokes Co.