

LC 748

Bill

7/31/20 (MNJ/)

2021 Regular Session

Directs Department of Public Safety Standards and Training to establish publicly available database of certain information about misconduct and discipline of public safety employees established by Department of Public Safety Standards and Training.

Requires reporting of complaints, allegations, charges, disciplinary proceedings, certain judicial findings and prosecutorial determinations of unreliability, suspensions and revocations of certification and certain resignations of public safety employees to department for inclusion in database.

Relating to public safety employees; creating new provisions; amending ORS 181A.830 and 192.345; and repealing section 3, chapter 7, Oregon Laws 2020 (first special session) (Enrolled House Bill 4207).

Relating to public safety employees.

1 **SECTION 1. Sections 2 to 4 of this 2021 Act are added to and**
2 **made a part of ORS 181A.355 to 181A.670.**

3 **SECTION 2. As used sections 2 to 4 of this 2021 Act:**

4 **(1) <<Disciplinary action>> means a corrective or punitive**
5 **action imposed by a law enforcement unit following an investigation**
6 **into a public safety employee's alleged misconduct, other than a**
7 **technical infraction, that deprives the employee of pay, rank, accrued**
8 **time or other pecuniary benefits, or results in an internal**
9 **departmental reassignment or administrative leave.**

10 **(2) <<Disciplinary records>> means all records created in**
11 **furtherance of a disciplinary proceeding conducted by a state or**
12 **local law enforcement agency, the Department of Public Safety**
13 **Standards and Training, an independent review board, or any other**
14 **entity tasked with evaluating a complaint or charge of a public safety**
15 **employee, other than a complaint or charge based on a technical**
16 **infraction, including, but not limited to:**

17 **(a) The complaints, allegations and charges against an**
18 **employee;**

19 **(b) The name of the employee complained of or charged;**

20 **(c) All records, documents and files, in whatever form, related**
21 **to the investigation, adjudication and disposition of the complaint or**

1 charge, that are not redacted under section 4 (7) of this 2021 Act.

2 (d) The transcript of any disciplinary proceeding, including any
3 exhibits introduced at the proceeding;

4 (e) Any finding by a state or local law enforcement agency, the
5 department, an independent review board or any other entity tasked
6 with evaluating any complaint or charge against a public safety
7 employee during a disciplinary proceeding; and

8 (f) Any final written opinion or memorandum supporting either
9 the disposition and disciplinary action imposed, or the decision not
10 to impose disciplinary action, including the complete factual
11 findings, analysis of the conduct and appropriate discipline of the
12 employee and data documenting the basis of the disciplinary action
13 or lack of disciplinary action, that is not redacted under section 4 (7)
14 of this 2021 Act.

15 (3) <<Disciplinary proceeding>> means the commencement of
16 any investigation and any subsequent hearing or other proceeding
17 conducted by a state or local law enforcement agency, the
18 department, an independent review board or any other entity tasked
19 with evaluating any complaint or charge against a public safety
20 employee.

21 (4) <<Public safety employee>> means a certified reserve
22 officer, corrections officer, parole and probation officer, police
23 officer or youth correction officer.

24 (5) <<Technical infraction>> means a minor rule violation by a
25 public safety employee, solely related to the enforcement of
26 administrative departmental rules that:

27 (a) Does not involve interactions with members of the public;

28 (b) Is not otherwise connected to the employee's investigative,
29 enforcement, training, supervision or reporting responsibilities;

30 (c) Does not involve deception, misrepresentation dishonesty,
31 or intemperate behavior by the public safety officer.

32 **SECTION 3. (1)** The Department of Public Safety Standards and
33 Training shall establish a statewide online database that includes but
34 need not be not limited to:

35 (a) Complaints, allegations and charges relating to public safety
36 employees, including the use of excessive force, regardless of
37 whether the complaint, allegation or charge resulted in a disciplinary
38 proceeding;

39 (b) The existence, status and findings of any disciplinary
40 proceeding;

41 (c) The existence, status and findings of any certification action
42 taken by the department that relates to disciplinary proceedings
43 against a public safety employee;

44 (d) The existence and status of any state or federal criminal
45 charges against a public safety employee;

46 (e) The existence and status of any civil proceedings against a

1 public safety employee related to conduct under color of law;

2 (f) The existence of any judicial finding or determination by the
3 Department of Justice or a district attorney of a public safety
4 employee's unreliability or lack of credibility; and

5 (g) Upon completion of an investigation of a complaint,
6 allegation or charge against a public safety employee, or if a public
7 safety employee resigns or is terminated from employment while the
8 complaint, allegation or charge is pending, all data relating to the
9 investigation that is not redacted under section 4 (7) of this 2021 Act.

10 (2) The department shall publish the information required under
11 subsection (4) of this section by prominently posting the information
12 on the department's website for ease of public access within 10 days
13 after:

14 (a) The department receives a report of a complaint, allegation,
15 or charge against a public safety employee under section 4 of this
16 2021 Act;

17 (b) The department receives a report of the commencement of
18 or a finding in a disciplinary proceeding against a public safety
19 employee under section 4 of this 2021 Act;

20 (c) The department receives a report of a disciplinary action
21 taken against a public safety employee under section 4 of this 2021
22 Act;

23 (d) The department receives notice of the existence of criminal
24 charges against a public safety employee;

25 (e) The department receives notice of the existence of civil
26 charges against a public safety employee related to conduct under
27 color of law;

28 (f) The department receives notice from the Department of
29 Justice or a prosecutor of a judicial finding or a prosecutorial
30 determination that a public safety employee is unreliable or lacks
31 credibility;

32 (g) The resignation of a public safety employee during an
33 investigation or discipline or termination proceeding; or

34 (h) In the case of a suspension or revocation of certification
35 under ORS 181A.630, 181A.640 and 181A.650:

36 (A) The time for filing an appeal of the department's decision
37 under ORS 181A.650 has passed and no appeal has been filed; or

38 (B) The decision of the department is appealed under ORS
39 181A.650 and the department's decision has been sustained by the
40 Court of Appeals or the appeal has been dropped.

41 (3)(a) Notwithstanding subsection (2) of this section, if the
42 department receives notice of a disciplinary action that is subject to
43 arbitration before becoming final, the department shall make the
44 report accessible only to law enforcement agencies until the
45 arbitration process is complete and the disciplinary action becomes
46 final.

1 **(b) Notwithstanding subparagraph (A) of this paragraph, the**
2 **department shall make a report available to the public before the**
3 **arbitration process is complete and the disciplinary action becomes**
4 **final when the department finds it is in the public interest to disclose**
5 **the report or when the public safety employee is a witness in a court**
6 **proceeding related to the disciplinary action.**

7 **(c) Within 10 days after the department receives notice under**
8 **section 4 of this 2021 Act that the arbitration process is complete**
9 **and the disciplinary action is final, the department shall publish the**
10 **report by prominently posting the information on the department's**
11 **website for ease of public access.**

12 **(4) When the department publishes information on the database**
13 **under subsection (2) of this section, the publication must include:**

14 **(a) The name of the public safety employee;**

15 **(b) The law enforcement unit at which the employee was**
16 **employed;**

17 **(c) A description of the facts underlying the complaint,**
18 **allegation, charge, disciplinary proceeding, prosecutorial**
19 **determination, judicial finding, suspension, revocation, termination**
20 **or resignation; and**

21 **(d) All findings underlying the complaint, allegation, charge,**
22 **disciplinary proceeding, prosecutorial determination, judicial finding,**
23 **suspension, revocation or resignation.**

24 **(5) No later than September 1 of each year, the department shall**
25 **submit a report to an appropriate committee of the Legislative**
26 **Assembly summarizing and analyzing the data in the database. The**
27 **report must include, for the previous 12 months:**

28 **(a) The number of reports of disciplinary action received by the**
29 **department under section 4 of this 2021 Act.**

30 **(b) Analysis of the types of complaints, allegations or charges**
31 **that were filed against public safety employees.**

32 **(c) Analysis of the types of misconduct that resulted in**
33 **disciplinary action.**

34 **(d) Analysis of the types of discipline that were reversed in**
35 **arbitration.**

36 **(6) The department shall retain all records entered into the**
37 **database for at least 30 years after the date of entry into the**
38 **database.**

39 **(7) A person may not destroy a record subject to this section**
40 **before the record is included in the database.**

41 **(8) Willful and deliberate failure to comply with the provisions of**
42 **this 2021 Act by a law enforcement unit shall be subject to a**
43 **[sanction of contempt].**

44 **(9) If a public safety employee disagrees with the accuracy of**
45 **the contents of the database, the public safety employee may**
46 **request the correction or removal of the portion of the record**

1 believed to be incorrect. The request must be made in writing using a
2 form developed by the Department and available on the
3 Department's publicly accessible Internet website. The law
4 enforcement agency shall provide written reasons for correction or
5 removal of a portion of the record, or of the refusal to do so.

6 (2) If the law enforcement agency and the public safety employee
7 cannot reach an agreement on the contents of the record, the law
8 enforcement officer may submit a written statement explaining the
9 law enforcement officer's position and the basis for the
10 disagreement, which shall be included in the database by the
11 Department.

12 **SECTION 4.** (1) Within 10 days after a law enforcement unit
13 receives a complaint or charge against a public safety employee, by
14 an individual inside or outside of the unit, the law enforcement unit
15 shall report the complaint or charge to the department.

16 (2) Within 72 hours after a law enforcement unit is notified by a
17 public safety employee of the existence of criminal charges against
18 the employee, the law enforcement unit shall notify the department.

19 (3) Within 72 hours after a law enforcement unit is notified by a
20 public safety employee of the existence of civil proceedings against
21 the employee related to conduct under color of law, the law
22 enforcement unit shall notify the department.

23 (4) Within 10 days after a law enforcement unit makes a
24 decision to impose disciplinary action on a public safety employee
25 or a decision not to impose disciplinary action on a public safety
26 employee, the law enforcement unit shall send a report to the
27 Department of Public Safety Standards and Training. The report must
28 include:

29 (a) The name and rank of the employee;

30 (b) A detailed explanation of the decision;

31 (c) A detailed explanation of the consequences resulting from a
32 decision to impose disciplinary action;

33 (d) A detailed explanation of the reason for the disciplinary
34 action or lack of disciplinary action; and

35 (e) The current status of the disciplinary action and any related
36 arbitration proceedings.

37 (5) Within 10 days after a judicial finding or a determination by
38 the Department of Justice or a prosecutor that a public safety
39 employee engaged in an act of deception, dishonesty
40 misrepresentation, or the use of excessive force, the prosecutor
41 shall send a report of the finding or determination to the department.
42 The report must include:

43 (a) The name and rank of the employee; and

44 (b) A detailed explanation of the finding or determination,
45 including complete factual findings and the basis for making the
46 determination.

1 **(6) If a disciplinary action is subject to arbitration, the law**
2 **enforcement unit shall promptly notify the department of the**
3 **outcome when the arbitration process is complete.**

4 **(7) A law enforcement unit shall redact from disciplinary**
5 **records the following information prior to disclosing records to the**
6 **department:**

7 **(a) Items involving the medical history of a public safety**
8 **employee, not including records obtained during the course of an**
9 **unit's investigation of the employee's misconduct that are relevant to**
10 **the disposition of the investigation;**

11 **(b) The home addresses, personal telephone numbers, personal**
12 **cell phone numbers and personal e-mail addresses of a public safety**
13 **employee or a family member of a public safety employee, a**
14 **complainant or any other person named in a disciplinary record.**

15 **(c) Social security numbers.**

16 **(d) Records of the use of an employee assistance program,**
17 **mental health service or substance abuse assistance service by a**
18 **public safety employee, unless the use is mandated by a disciplinary**
19 **proceeding that may otherwise be disclosed under this section.**

20 **SECTION 5. (1) The Department of Public Safety Standards and**
21 **Training shall import all materials required to be included in the**
22 **database established under section 3 of this 2021 Act, including but**
23 **not limited to historical information relating to all active public safety**
24 **employees, into the database within one year after the effective date**
25 **of this 2021 Act.**

26 **(2) The Department of Public Safety Standards and Training**
27 **shall import all materials required to be included in the database**
28 **under section 3 of this 2021 Act relating to all public safety**
29 **employees employed in the State of Oregon for the past 25 years**
30 **within three years after the effective date of this 2021 Act.**

31 **SECTION 6. (a) In the absence of fraud or malice, a law**
32 **enforcement agency is immune from civil liability for employment**
33 **information released in accordance with this 2021 Act.**

34 **(b) A law enforcement agency is not immune from civil liability**
35 **for failure to comply with this 2021 Act.**

36 **SECTION 6. ORS 181A.830, as amended by section 5, chapter 7,**
37 **Oregon Laws 2020 (first special session) (Enrolled House Bill 4207), is**
38 **amended to read:**

39 **181A.830. (1) As used in this section:**

40 **(a) <<Public body>> has the meaning given that term in ORS**
41 **192.311.**

42 **(b) <<Public safety employee>> means a certified reserve officer,**
43 **corrections officer, parole and probation officer, police officer or youth**
44 **correction officer as those terms are defined in ORS 181A.355.**

45 **(2) A public body may not disclose a photograph of a public safety**
46 **employee of the public body without the written consent of the employee.**

1 This subsection does not apply to the use by the public body of a
2 photograph of a public safety employee.

3 ~~[(5)]~~ **(3)** If an investigation of a public safety employee of a public
4 body results from a complaint, the public body may disclose to the
5 complainant the disposition of the complaint and, to the extent the public
6 body considers necessary to explain the action of the public body on the
7 complaint, a written summary of information obtained in the investigation.

8 ~~[(6)]~~ **(4)** A public body must notify a public safety employee of the
9 public body if the public body receives a request for:

10 (a) A photograph of the employee.

11 (b) Information about the employee that is exempt from disclosure
12 under ORS 192.345 or 192.355 (2) or (3).

13 **SECTION 7.** ORS 192.345 is amended to read:

14 **NOTE:** Amendments become operative 1/2/24. See 2019 c.532 :s.5.
15 Amend both versions.

16 192.345. The following public records are exempt from disclosure
17 under ORS 192.311 to 192.478 unless the public interest requires
18 disclosure in the particular instance:

19 (1) Records of a public body pertaining to litigation to which the
20 public body is a party if the complaint has been filed, or if the complaint
21 has not been filed, if the public body shows that such litigation is
22 reasonably likely to occur. This exemption does not apply to litigation
23 which has been concluded, and nothing in this subsection shall limit any
24 right or opportunity granted by discovery or deposition statutes to a party
25 to litigation or potential litigation.

26 (2) Trade secrets. <<Trade secrets,>> as used in this section, may
27 include, but are not limited to, any formula, plan, pattern, process, tool,
28 mechanism, compound, procedure, production data, or compilation of
29 information which is not patented, which is known only to certain
30 individuals within an organization and which is used in a business it
31 conducts, having actual or potential commercial value, and which gives its
32 user an opportunity to obtain a business advantage over competitors who
33 do not know or use it.

34 (3) Investigatory information compiled for criminal law purposes. The
35 record of an arrest or the report of a crime shall be disclosed unless and
36 only for so long as there is a clear need to delay disclosure in the course
37 of a specific investigation, including the need to protect the complaining
38 party or the victim. Nothing in this subsection shall limit any right
39 constitutionally guaranteed, or granted by statute, to disclosure or
40 discovery in criminal cases. For purposes of this subsection, the record of
41 an arrest or the report of a crime includes, but is not limited to:

42 (a) The arrested person's name, age, residence, employment,
43 marital status and similar biographical information;

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

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

46 (d) The identity of and biographical information concerning both

1 complaining party and victim;
2 (e) The identity of the investigating and arresting agency and the
3 length of the investigation;
4 (f) The circumstances of arrest, including time, place, resistance,
5 pursuit and weapons used; and
6 (g) Such information as may be necessary to enlist public assistance
7 in apprehending fugitives from justice.
8 (4) Test questions, scoring keys, and other data used to administer a
9 licensing examination, employment, academic or other examination or
10 testing procedure before the examination is given and if the examination is
11 to be used again. Records establishing procedures for and instructing
12 persons administering, grading or evaluating an examination or testing
13 procedure are included in this exemption, to the extent that disclosure
14 would create a risk that the result might be affected.
15 (5) Information consisting of production records, sale or purchase
16 records or catch records, or similar business records of a private concern
17 or enterprise, required by law to be submitted to or inspected by a
18 governmental body to allow it to determine fees or assessments payable
19 or to establish production quotas, and the amounts of such fees or
20 assessments payable or paid, to the extent that such information is in a
21 form that would permit identification of the individual concern or enterprise.
22 This exemption does not include records submitted by long term care
23 facilities as defined in ORS 442.015 to the state for purposes of
24 reimbursement of expenses or determining fees for patient care. Nothing
25 in this subsection shall limit the use that can be made of such information
26 for regulatory purposes or its admissibility in any enforcement proceeding.
27 (6) Information relating to the appraisal of real estate prior to its
28 acquisition.
29 (7) The names and signatures of employees who sign authorization
30 cards or petitions for the purpose of requesting representation or
31 decertification elections.
32 (8) Investigatory information relating to any complaint filed under
33 ORS 659A.820 or 659A.825, until such time as the complaint is resolved
34 under ORS 659A.835, or a final order is issued under ORS 659A.850.
35 (9) Investigatory information relating to any complaint or charge filed
36 under ORS 243.676 and 663.180.
37 (10) Records, reports and other information received or compiled by
38 the Director of the Department of Consumer and Business Services under
39 ORS 697.732.
40 (11) Information concerning the location of archaeological sites or
41 objects as those terms are defined in ORS 358.905, except if the
42 governing body of an Indian tribe requests the information and the need
43 for the information is related to that Indian tribe's cultural or religious
44 activities. This exemption does not include information relating to a site
45 that is all or part of an existing, commonly known and publicized tourist
46 facility or attraction.

1 (12) A personnel discipline action, or materials or documents
2 supporting that action, **except for disciplinary records as defined in**
3 **section 1 of this 2021 Act.**

4 (13) Fish and wildlife information:

5 (a) Developed pursuant to ORS 496.004, 496.172 and 498.026 or
6 ORS 496.192 and 564.100, regarding the habitat, location or population of
7 any threatened species or endangered species; or

8 (b) Described in section 2, chapter 532, Oregon Laws 2019.

9 (14) Writings prepared by or under the direction of faculty of public
10 educational institutions, in connection with research, until publicly
11 released, copyrighted or patented.

12 (15) Computer programs developed or purchased by or for any
13 public body for its own use. As used in this subsection, <<computer
14 program>> means a series of instructions or statements which permit the
15 functioning of a computer system in a manner designed to provide
16 storage, retrieval and manipulation of data from such computer system,
17 and any associated documentation and source material that explain how
18 to operate the computer program. <<Computer program>> does not
19 include:

20 (a) The original data, including but not limited to numbers, text,
21 voice, graphics and images;

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

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

26 (16) Data and information provided by participants to mediation
27 under ORS 36.256.

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

32 (18) Specific operational plans in connection with an anticipated
33 threat to individual or public safety for deployment and use of personnel
34 and equipment, prepared or used by a public body, if public disclosure of
35 the plans would endanger an individual's life or physical safety or
36 jeopardize a law enforcement activity.

37 (19)(a) Audits or audit reports required of a telecommunications
38 carrier. As used in this paragraph, <<audit or audit report>> means any
39 external or internal audit or audit report pertaining to a telecommunications
40 carrier, as defined in ORS 133.721, or pertaining to a corporation having
41 an affiliated interest, as defined in ORS 759.390, with a
42 telecommunications carrier that is intended to make the operations of the
43 entity more efficient, accurate or compliant with applicable rules,
44 procedures or standards, that may include self-criticism and that has been
45 filed by the telecommunications carrier or affiliate under compulsion of
46 state law. <<Audit or audit report>> does not mean an audit of a cost

1 study that would be discoverable in a contested case proceeding and that
2 is not subject to a protective order; and

3 (b) Financial statements. As used in this paragraph, <<financial
4 statement>> means a financial statement of a nonregulated corporation
5 having an affiliated interest, as defined in ORS 759.390, with a
6 telecommunications carrier, as defined in ORS 133.721.

7 (20) The residence address of an elector if authorized under ORS
8 247.965 and subject to ORS 247.967.

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

13 (a) Personal and corporate financial statements and information,
14 including tax returns;

15 (b) Credit reports;

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

20 (d) Market studies and analyses;

21 (e) Articles of incorporation, partnership agreements and operating
22 agreements;

23 (f) Commitment letters;

24 (g) Project pro forma statements;

25 (h) Project cost certifications and cost data;

26 (i) Audits;

27 (j) Project tenant correspondence requested to be confidential;

28 (k) Tenant files relating to certification; and

29 (L) Housing assistance payment requests.

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

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

33 (b) Identify those areas of structural or operational vulnerability that
34 would permit unlawful disruption to, or interference with, services; or

35 (c) Disrupt, interfere with or gain unauthorized access to public funds
36 or to information processing, communication or telecommunication
37 systems, including the information contained in the systems, that are used
38 or operated by a public body.

39 (23) Records or information that would reveal or otherwise identify
40 security measures, or weaknesses or potential weaknesses in security
41 measures, taken or recommended to be taken to protect:

42 (a) An individual;

43 (b) Buildings or other property;

44 (c) Information processing, communication or telecommunication
45 systems, including the information contained in the systems; or

46 (d) Those operations of the Oregon State Lottery the security of

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

2 (24) Personal information held by or under the direction of officials of
3 the Oregon Health and Science University or a public university listed in
4 ORS 352.002 about a person who has or who is interested in donating
5 money or property to the Oregon Health and Science University or a
6 public university, if the information is related to the family of the person,
7 personal assets of the person or is incidental information not related to the
8 donation.

9 (25) The home address, professional address and telephone number
10 of a person who has or who is interested in donating money or property to
11 a public university listed in ORS 352.002.

12 (26) Records of the name and address of a person who files a report
13 with or pays an assessment to a commodity commission established
14 under ORS 576.051 to 576.455, the Oregon Beef Council created under
15 ORS 577.210 or the Oregon Wheat Commission created under ORS
16 578.030.

17 (27) Information provided to, obtained by or used by a public body to
18 authorize, originate, receive or authenticate a transfer of funds, including
19 but not limited to a credit card number, payment card expiration date,
20 password, financial institution account number and financial institution
21 routing number.

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

23 (29) The electronic mail address of a student who attends a public
24 university listed in ORS 352.002 or Oregon Health and Science University.

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

31 (31) If requested by a public safety officer, as defined in ORS
32 181A.355, or a county juvenile department employee who is charged with
33 and primarily performs duties related to the custody, control or supervision
34 of youth offenders confined in a detention facility, as defined in ORS
35 419A.004:

36 (a) The home address and home telephone number of the public
37 safety officer or county juvenile department employee contained in the
38 voter registration records for the officer or employee.

39 (b) The home address and home telephone number of the public
40 safety officer or county juvenile department employee contained in records
41 of the Department of Public Safety Standards and Training.

42 (c) The name of the public safety officer or county juvenile
43 department employee contained in county real property assessment or
44 taxation records. This exemption:

45 (A) Applies only to the name of the officer or employee and any
46 other owner of the property in connection with a specific property identified

1 by the officer or employee in a request for exemption from disclosure;

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

4 (C) Applies until the officer or employee requests termination of the
5 exemption;

6 (D) Does not apply to disclosure of records among public bodies as
7 defined in ORS 174.109 for governmental purposes; and

8 (E) May not result in liability for the county if the name of the officer
9 or employee is disclosed after a request for exemption from disclosure is
10 made under this subsection.

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

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

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

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

27 (b) The individual claiming the exemption from disclosure must be a
28 district attorney, a deputy district attorney, the Attorney General or an
29 assistant attorney general, the United States Attorney for the District of
30 Oregon or an assistant United States attorney for the District of Oregon, a
31 city attorney who engages in the prosecution of criminal matters or a
32 deputy city attorney who engages in the prosecution of criminal matters.

33 (c) The individual claiming the exemption from disclosure must do so
34 by filing the claim in writing with the public body for which the exemption
35 from disclosure is being claimed on a form prescribed by the public body.
36 Unless the claim is filed with the county clerk, the claim form shall list the
37 public records in the possession of the public body to which the exemption
38 applies. The exemption applies until the individual claiming the exemption
39 requests termination of the exemption or ceases to qualify for the
40 exemption.

41 (33) The following voluntary conservation agreements and reports:

42 (a) Land management plans required for voluntary stewardship
43 agreements entered into under ORS 541.973; and

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

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

4 (a) Apply to the formulas for determining dividends to be paid to
5 employers insured by the State Accident Insurance Fund Corporation;

6 (b) Apply to contracts for advertising, public relations or lobbying
7 services or to documents related to the formation of such contracts;

8 (c) Apply to group insurance contracts or to documents relating to
9 the formation of such contracts, except that employer account records
10 shall remain exempt from disclosure as provided in ORS 192.355 (35); or

11 (d) Provide the basis for opposing the discovery of documents in
12 litigation pursuant to the applicable rules of civil procedure.

13 (35) Records of the Department of Public Safety Standards and
14 Training relating to investigations conducted under ORS 181A.640 or
15 181A.870 (6), until the department issues the report described in ORS
16 181A.640 or 181A.870.

17 (36) A medical examiner's report, autopsy report or laboratory test
18 report ordered by a medical examiner under ORS 146.117.

19 (37) Any document or other information related to an audit of a
20 public body, as defined in ORS 174.109, that is in the custody of an
21 auditor or audit organization operating under nationally recognized
22 government auditing standards, until the auditor or audit organization
23 issues a final audit report in accordance with those standards or the audit
24 is abandoned. This exemption does not prohibit disclosure of a draft audit
25 report that is provided to the audited entity for the entity's response to the
26 audit findings.

27 (38)(a) Personally identifiable information collected as part of an
28 electronic fare collection system of a mass transit system.

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

34 (c) As used in this subsection:

35 (A) <<Electronic fare collection system>> means the software and
36 hardware used for, associated with or relating to the collection of transit
37 fares for a mass transit system, including but not limited to computers,
38 radio communication systems, personal mobile devices, wearable
39 technology, fare instruments, information technology, data storage or
40 collection equipment, or other equipment or improvements.

41 (B) <<Mass transit system>> has the meaning given that term in
42 ORS 267.010.

43 (C) <<Personally identifiable information>> means all information
44 relating to a person that acquires or uses a transit pass or other fare
45 payment medium in connection with an electronic fare collection system,
46 including but 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
4 number or other identification number, transit pass or fare payment
5 medium balances or history, or similar personal information; or

6 (ii) Travel dates, travel times, frequency of use, travel locations,
7 service 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 code
10 enforcement officer contained in the voter registration records for the
11 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 and
15 any other owner of the property in connection with a specific property
16 identified by the officer in a request for exemption from disclosure;

17 (ii) Applies only to records that may be made immediately available
18 to the public upon request in person, by telephone or using the Internet;

19 (iii) Applies until the civil code enforcement officer requests
20 termination of the exemption;

21 (iv) Does not apply to disclosure of records among public bodies as
22 defined in ORS 174.109 for governmental purposes; and

23 (v) May not result in liability for the county if the name of the civil
24 code enforcement officer is disclosed after a request for exemption from
25 disclosure is made under this subsection.

26 (b) As used in this subsection, <<civil code enforcement officer>>
27 means an employee of a public body, as defined in ORS 174.109, who is
28 charged with enforcing laws or ordinances relating to land use, zoning,
29 use of rights-of-way, solid waste, hazardous waste, sewage treatment and
30 disposal or the state building code.

31 (40) Audio or video recordings, whether digital or analog, resulting
32 from a law enforcement officer's operation of a video camera worn upon
33 the officer's person that records the officer's interactions with members of
34 the public while the officer is on duty. When a recording described in this
35 subsection is subject to disclosure, the following apply:

36 (a) Recordings that have been sealed in a court's record of a court
37 proceeding or otherwise ordered by a court not to be disclosed may not be
38 disclosed.

39 (b) A request for disclosure under this subsection must identify the
40 approximate date and time of an incident for which the recordings are
41 requested and be reasonably tailored to include only that material for
42 which a public interest requires disclosure.

43 (c) A video recording disclosed under this subsection must, prior to
44 disclosure, be edited in a manner as to render the faces of all persons
45 within the recording unidentifiable.

46 (41) The contents of tips reported to a tip line, as defined in ORS

1 339.329. However, personally identifiable information, as defined in ORS
2 339.329, is not subject to public interest balancing under this section and
3 remains exempt from disclosure except as provided in ORS 339.329.

4 **SECTION 8.** ORS 192.345, as amended by section 4, chapter 532,
5 Oregon Laws 2019, is amended to read:

6 192.345. The following public records are exempt from disclosure
7 under ORS 192.311 to 192.478 unless the public interest requires
8 disclosure in the particular instance:

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

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

24 (3) Investigatory information compiled for criminal law purposes. The
25 record of an arrest or the report of a crime shall be disclosed unless and
26 only for so long as there is a clear need to delay disclosure in the course
27 of a specific investigation, including the need to protect the complaining
28 party or the victim. Nothing in this subsection shall limit any right
29 constitutionally guaranteed, or granted by statute, to disclosure or
30 discovery in criminal cases. For purposes of this subsection, the record of
31 an arrest or the report of a crime includes, but is not limited to:

32 (a) The arrested person's name, age, residence, employment,
33 marital status and similar biographical information;

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

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

36 (d) The identity of and biographical information concerning both
37 complaining party and victim;

38 (e) The identity of the investigating and arresting agency and the
39 length of the investigation;

40 (f) The circumstances of arrest, including time, place, resistance,
41 pursuit and weapons used; and

42 (g) Such information as may be necessary to enlist public assistance
43 in apprehending fugitives from justice.

44 (4) Test questions, scoring keys, and other data used to administer a
45 licensing examination, employment, academic or other examination or
46 testing procedure before the examination is given and if the examination is

1 to be used again. Records establishing procedures for and instructing
2 persons administering, grading or evaluating an examination or testing
3 procedure are included in this exemption, to the extent that disclosure
4 would create a risk that the result might be affected.

5 (5) Information consisting of production records, sale or purchase
6 records or catch records, or similar business records of a private concern
7 or enterprise, required by law to be submitted to or inspected by a
8 governmental body to allow it to determine fees or assessments payable
9 or to establish production quotas, and the amounts of such fees or
10 assessments payable or paid, to the extent that such information is in a
11 form that would permit identification of the individual concern or enterprise.
12 This exemption does not include records submitted by long term care
13 facilities as defined in ORS 442.015 to the state for purposes of
14 reimbursement of expenses or determining fees for patient care. Nothing
15 in this subsection shall limit the use that can be made of such information
16 for regulatory purposes or its admissibility in any enforcement proceeding.

17 (6) Information relating to the appraisal of real estate prior to its
18 acquisition.

19 (7) The names and signatures of employees who sign authorization
20 cards or petitions for the purpose of requesting representation or
21 decertification elections.

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

25 (9) Investigatory information relating to any complaint or charge filed
26 under ORS 243.676 and 663.180.

27 (10) Records, reports and other information received or compiled by
28 the Director of the Department of Consumer and Business Services under
29 ORS 697.732.

30 (11) Information concerning the location of archaeological sites or
31 objects as those terms are defined in ORS 358.905, except if the
32 governing body of an Indian tribe requests the information and the need
33 for the information is related to that Indian tribe's cultural or religious
34 activities. This exemption does not include information relating to a site
35 that is all or part of an existing, commonly known and publicized tourist
36 facility or attraction.

37 (12) A personnel discipline action, or materials or documents
38 supporting that action, **except for disciplinary records as defined in**
39 **section 1 of this 2021 Act.**

40 (13) Fish and wildlife information developed pursuant to ORS
41 496.004, 496.172 and 498.026 or ORS 496.192 and 564.100, regarding
42 the habitat, location or population of any threatened species or
43 endangered species.

44 (14) Writings prepared by or under the direction of faculty of public
45 educational institutions, in connection with research, until publicly
46 released, copyrighted or patented.

1 (15) Computer programs developed or purchased by or for any
2 public body for its own use. As used in this subsection, <<computer
3 program>> means a series of instructions or statements which permit the
4 functioning of a computer system in a manner designed to provide
5 storage, retrieval and manipulation of data from such computer system,
6 and any associated documentation and source material that explain how
7 to operate the computer program. <<Computer program>> does not
8 include:

9 (a) The original data, including but not limited to numbers, text,
10 voice, graphics and images;

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

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

15 (16) Data and information provided by participants to mediation
16 under ORS 36.256.

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

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

26 (19)(a) Audits or audit reports required of a telecommunications
27 carrier. As used in this paragraph, <<audit or audit report>> means any
28 external or internal audit or audit report pertaining to a telecommunications
29 carrier, as defined in ORS 133.721, or pertaining to a corporation having
30 an affiliated interest, as defined in ORS 759.390, with a
31 telecommunications carrier that is intended to make the operations of the
32 entity more efficient, accurate or compliant with applicable rules,
33 procedures or standards, that may include self-criticism and that has been
34 filed by the telecommunications carrier or affiliate under compulsion of
35 state law. <<Audit or audit report>> does not mean an audit of a cost
36 study that would be discoverable in a contested case proceeding and that
37 is not subject to a protective order; and

38 (b) Financial statements. As used in this paragraph, <<financial
39 statement>> means a financial statement of a nonregulated corporation
40 having an affiliated interest, as defined in ORS 759.390, with a
41 telecommunications carrier, as defined in ORS 133.721.

42 (20) The residence address of an elector if authorized under ORS
43 247.965 and subject to ORS 247.967.

44 (21) The following records, communications and information
45 submitted to a housing authority as defined in ORS 456.005, or to an
46 urban renewal agency as defined in ORS 457.010, by applicants for and

- 1 recipients of loans, grants and tax credits:
- 2 (a) Personal and corporate financial statements and information,
3 including tax returns;
- 4 (b) Credit reports;
- 5 (c) Project appraisals, excluding appraisals obtained in the course of
6 transactions involving an interest in real estate that is acquired, leased,
7 rented, exchanged, transferred or otherwise disposed of as part of the
8 project, but only after the transactions have closed and are concluded;
- 9 (d) Market studies and analyses;
- 10 (e) Articles of incorporation, partnership agreements and operating
11 agreements;
- 12 (f) Commitment letters;
- 13 (g) Project pro forma statements;
- 14 (h) Project cost certifications and cost data;
- 15 (i) Audits;
- 16 (j) Project tenant correspondence requested to be confidential;
- 17 (k) Tenant files relating to certification; and
- 18 (L) Housing assistance payment requests.
- 19 (22) Records or information that, if disclosed, would allow a person
20 to:
- 21 (a) Gain unauthorized access to buildings or other property;
- 22 (b) Identify those areas of structural or operational vulnerability that
23 would permit unlawful disruption to, or interference with, services; or
- 24 (c) Disrupt, interfere with or gain unauthorized access to public funds
25 or to information processing, communication or telecommunication
26 systems, including the information contained in the systems, that are used
27 or operated by a public body.
- 28 (23) Records or information that would reveal or otherwise identify
29 security measures, or weaknesses or potential weaknesses in security
30 measures, taken or recommended to be taken to protect:
- 31 (a) An individual;
- 32 (b) Buildings or other property;
- 33 (c) Information processing, communication or telecommunication
34 systems, including the information contained in the systems; or
- 35 (d) Those operations of the Oregon State Lottery the security of
36 which are subject to study and evaluation under ORS 461.180 (6).
- 37 (24) Personal information held by or under the direction of officials of
38 the Oregon Health and Science University or a public university listed in
39 ORS 352.002 about a person who has or who is interested in donating
40 money or property to the Oregon Health and Science University or a
41 public university, if the information is related to the family of the person,
42 personal assets of the person or is incidental information not related to the
43 donation.
- 44 (25) The home address, professional address and telephone number
45 of a person who has or who is interested in donating money or property to
46 a public university listed in ORS 352.002.

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

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

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

12 (29) The electronic mail address of a student who attends a public
13 university listed in ORS 352.002 or Oregon Health and Science University.

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

20 (31) If requested by a public safety officer, as defined in ORS
21 181A.355, or a county juvenile department employee who is charged with
22 and primarily performs duties related to the custody, control or supervision
23 of youth offenders confined in a detention facility, as defined in ORS
24 419A.004:

25 (a) The home address and home telephone number of the public
26 safety officer or county juvenile department employee contained in the
27 voter registration records for the officer or employee.

28 (b) The home address and home telephone number of the public
29 safety officer or county juvenile department employee contained in records
30 of the Department of Public Safety Standards and Training.

31 (c) The name of the public safety officer or county juvenile
32 department employee contained in county real property assessment or
33 taxation records. This exemption:

34 (A) Applies only to the name of the officer or employee and any
35 other owner of the property in connection with a specific property identified
36 by the officer or employee in a request for exemption from disclosure;

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

39 (C) Applies until the officer or employee requests termination of the
40 exemption;

41 (D) Does not apply to disclosure of records among public bodies as
42 defined in ORS 174.109 for governmental purposes; and

43 (E) May not result in liability for the county if the name of the officer
44 or employee is disclosed after a request for exemption from disclosure is
45 made under this subsection.

46 (32) Unless the public records request is made by a financial

1 institution, as defined in ORS 706.008, consumer finance company
2 licensed under ORS chapter 725, mortgage banker or mortgage broker
3 licensed under ORS 86A.095 to 86A.198, or title company for business
4 purposes, records described in paragraph (a) of this subsection, if the
5 exemption from disclosure of the records is sought by an individual
6 described in paragraph (b) of this subsection using the procedure
7 described in paragraph (c) of this subsection:

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

11 (A) A warranty deed, deed of trust, mortgage, lien, deed of
12 reconveyance, release, satisfaction, substitution of trustee, easement, dog
13 license, marriage license or military discharge record that is in the
14 possession of the county clerk; or

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

16 (b) The individual claiming the exemption from disclosure must be a
17 district attorney, a deputy district attorney, the Attorney General or an
18 assistant attorney general, the United States Attorney for the District of
19 Oregon or an assistant United States attorney for the District of Oregon, a
20 city attorney who engages in the prosecution of criminal matters or a
21 deputy city attorney who engages in the prosecution of criminal matters.

22 (c) The individual claiming the exemption from disclosure must do so
23 by filing the claim in writing with the public body for which the exemption
24 from disclosure is being claimed on a form prescribed by the public body.
25 Unless the claim is filed with the county clerk, the claim form shall list the
26 public records in the possession of the public body to which the exemption
27 applies. The exemption applies until the individual claiming the exemption
28 requests termination of the exemption or ceases to qualify for the
29 exemption.

30 (33) The following voluntary conservation agreements and reports:

31 (a) Land management plans required for voluntary stewardship
32 agreements entered into under ORS 541.973; and

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

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

39 (a) Apply to the formulas for determining dividends to be paid to
40 employers insured by the State Accident Insurance Fund Corporation;

41 (b) Apply to contracts for advertising, public relations or lobbying
42 services or to documents related to the formation of such contracts;

43 (c) Apply to group insurance contracts or to documents relating to
44 the formation of such contracts, except that employer account records
45 shall remain exempt from disclosure as provided in ORS 192.355 (35); or

46 (d) Provide the basis for opposing the discovery of documents in

1 litigation pursuant to the applicable rules of civil procedure.
2 (35) Records of the Department of Public Safety Standards and
3 Training relating to investigations conducted under ORS 181A.640 or
4 181A.870 (6), until the department issues the report described in ORS
5 181A.640 or 181A.870.
6 (36) A medical examiner's report, autopsy report or laboratory test
7 report ordered by a medical examiner under ORS 146.117.
8 (37) Any document or other information related to an audit of a
9 public body, as defined in ORS 174.109, that is in the custody of an
10 auditor or audit organization operating under nationally recognized
11 government auditing standards, until the auditor or audit organization
12 issues a final audit report in accordance with those standards or the audit
13 is abandoned. This exemption does not prohibit disclosure of a draft audit
14 report that is provided to the audited entity for the entity's response to the
15 audit findings.
16 (38)(a) Personally identifiable information collected as part of an
17 electronic fare collection system of a mass transit system.
18 (b) The exemption from disclosure in paragraph (a) of this
19 subsection does not apply to public records that have attributes of
20 anonymity that are sufficient, or that are aggregated into groupings that
21 are broad enough, to ensure that persons cannot be identified by
22 disclosure of the public records.
23 (c) As used in this subsection:
24 (A) <<Electronic fare collection system>> means the software and
25 hardware used for, associated with or relating to the collection of transit
26 fares for a mass transit system, including but not limited to computers,
27 radio communication systems, personal mobile devices, wearable
28 technology, fare instruments, information technology, data storage or
29 collection equipment, or other equipment or improvements.
30 (B) <<Mass transit system>> has the meaning given that term in
31 ORS 267.010.
32 (C) <<Personally identifiable information>> means all information
33 relating to a person that acquires or uses a transit pass or other fare
34 payment medium in connection with an electronic fare collection system,
35 including but not limited to:
36 (i) Customer account information, date of birth, telephone number,
37 physical address, electronic mail address, credit or debit card information,
38 bank account information, Social Security or taxpayer identification
39 number or other identification number, transit pass or fare payment
40 medium balances or history, or similar personal information; or
41 (ii) Travel dates, travel times, frequency of use, travel locations,
42 service types or vehicle use, or similar travel information.
43 (39)(a) If requested by a civil code enforcement officer:
44 (A) The home address and home telephone number of the civil code
45 enforcement officer contained in the voter registration records for the
46 officer.

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

3 (i) Applies only to the name of the civil code enforcement officer and
4 any other owner of the property in connection with a specific property
5 identified by the officer in a request for exemption from disclosure;

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

8 (iii) Applies until the civil code enforcement officer requests
9 termination of the exemption;

10 (iv) Does not apply to disclosure of records among public bodies as
11 defined in ORS 174.109 for governmental purposes; and

12 (v) May not result in liability for the county if the name of the civil
13 code enforcement officer is disclosed after a request for exemption from
14 disclosure is made under this subsection.

15 (b) As used in this subsection, <<civil code enforcement officer>>
16 means an employee of a public body, as defined in ORS 174.109, who is
17 charged with enforcing laws or ordinances relating to land use, zoning,
18 use of rights-of-way, solid waste, hazardous waste, sewage treatment and
19 disposal or the state building code.

20 (40) Audio or video recordings, whether digital or analog, resulting
21 from a law enforcement officer's operation of a video camera worn upon
22 the officer's person that records the officer's interactions with members of
23 the public while the officer is on duty. When a recording described in this
24 subsection is subject to disclosure, the following apply:

25 (a) Recordings that have been sealed in a court's record of a court
26 proceeding or otherwise ordered by a court not to be disclosed may not be
27 disclosed.

28 (b) A request for disclosure under this subsection must identify the
29 approximate date and time of an incident for which the recordings are
30 requested and be reasonably tailored to include only that material for
31 which a public interest requires disclosure.

32 (c) A video recording disclosed under this subsection must, prior to
33 disclosure, be edited in a manner as to render the faces of all persons
34 within the recording unidentifiable.

35 (41) The contents of tips reported to a tip line, as defined in ORS
36 339.329. However, personally identifiable information, as defined in ORS
37 339.329, is not subject to public interest balancing under this section and
38 remains exempt from disclosure except as provided in ORS 339.329.

39 **SECTION 9. Section 3, chapter 7, Oregon Laws 2020 (first**
40 **special session) (Enrolled House Bill 4207), is repealed.**

41 **SECTION 10. Sections 1 to 4 of this 2021 Act and the**
42 **amendments to ORS 181A.830 and 192.345 by sections 6 to 8 of this**
43 **2021 Act do not affect a collective bargaining agreement entered into**
44 **before the effective date of this 2021 Act, to the extent compliance**
45 **with the provisions of section 3 of this 2021 Act would conflict with**
46 **or impair the execution of the terms of the collective bargaining**

1 **agreement.**