

HB 2431 A STAFF MEASURE SUMMARY

House Committee On Judiciary

Action Date: 03/26/19

Action: Do pass with amendments and be referred to Ways and Means. (Printed A-Eng.)

Vote: 10-0-1-0

Yeas: 10 - Barker, Bynum, Gorsek, Greenlick, Lewis, McLane, Piluso, Power, Stark, Williamson

Exc: 1 - Sprenger

Fiscal: Fiscal impact issued

Revenue: No revenue impact

Prepared By: Brian Lohsl, LPRO Analyst

Meeting Dates: 3/13, 3/26

WHAT THE MEASURE DOES:

Requires each state agency to submit a report to the Attorney General, the Public Records Advocate, and the public records subcommittee of the Legislative Counsel Committee on or before March 1 of each year. Specifies report must include the number of requests for records received by the agency, the number of requests for records for which the agency had not completed its response within the requirements of ORS 192.329 or had not been completed within 60 days of the request, and the number of requests for a fee waiver or reduction that the agency has both granted and denied.

ISSUES DISCUSSED:

- Uses of data generated from these reports
- Data points to be included in the reports
- Applicable only to state agencies
- Agencies process for receiving public records requests

EFFECT OF AMENDMENT:

Clarifies report is to include only records requests submitted in accordance with the written procedure for making public records requests adopted by the agency.

BACKGROUND:

ORS 192.329 requires a public body to complete its response to a written public records request as soon as practicable and without undue delay. A public body's response is complete when the public body provides access or copies of all requested records within the possession or custody of the public body, asserts any exemption from disclosure that the public body believes applies to the requested records, provides a combination of records omitting the exempt portion of the requested records, provides a written statement that the public body is not the custodian of the requested records, or provides a statement that law prohibits the public body from acknowledging whether the requested records exist. As soon as reasonably possible, but not longer than 10 days, a public body must respond to receipt of a public records request. The response must include the completed request or a written statement that the public body is still working on completing the request and provide a reasonable estimate of the date that the request will be complete. If a public body has informed the requester that a fee applies, the public body's requirement to complete the request is suspended until the requester pays the fee.

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