

# D R A F T

## SUMMARY

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.

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

Modifies crime of tampering with public records. Creates crime of recklessly tampering with public records, punishable by maximum of 364 days' imprisonment, \$6,250 fine, or both.

Allows production of disciplinary records of public safety employees under public records law.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to records; creating new provisions; amending ORS 162.305, 181A.830  
3 and 192.345; repealing section 3, chapter 7, Oregon Laws 2020 (first special  
4 session); and declaring an emergency.

5 **Be It Enacted by the People of the State of Oregon:**

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

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

9 **(1) "Disciplinary action" means a corrective or punitive action im-**  
10 **posed by a law enforcement unit following an investigation into a**  
11 **public safety employee's alleged misconduct, other than a technical**  
12 **infraction, that deprives the employee of pay, rank, accrued time or**  
13 **other pecuniary benefits or results in an internal departmental reas-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.  
New sections are in **boldfaced** type.

1 **signment or administrative leave.**

2 **(2) “Disciplinary proceeding” means the commencement of any in-**  
3 **vestigation and any subsequent hearing or other proceeding conducted**  
4 **by a state or local law enforcement unit, the Department of Public**  
5 **Safety Standards and Training, a citizen review body or any other**  
6 **entity tasked with evaluating a complaint or charge against a public**  
7 **safety employee.**

8 **(3) “Disciplinary records” means all records created in furtherance**  
9 **of a disciplinary proceeding conducted by a state or local law**  
10 **enforcement unit, the department, a citizen review body or any other**  
11 **entity tasked with evaluating a complaint or charge against a public**  
12 **safety employee, other than a complaint or charge based on a techni-**  
13 **cal infraction, including, but not limited to:**

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

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

16 **(c) All records, documents and files, in whatever form, related to**  
17 **the investigation, adjudication and disposition of the complaint or**  
18 **charge, that are not redacted under section 4 (7) of this 2021 Act;**

19 **(d) The transcript of any disciplinary proceeding, including any ex-**  
20 **hibits introduced at the proceeding;**

21 **(e) Any finding by a state or local law enforcement unit, the de-**  
22 **partment, a citizen review body or any other entity tasked with eval-**  
23 **uating a complaint or charge against a public safety employee during**  
24 **a disciplinary proceeding; and**

25 **(f) Any final written opinion or memorandum supporting either the**  
26 **disposition and disciplinary action imposed, or the decision not to im-**  
27 **pose disciplinary action, including the complete factual findings,**  
28 **analysis of the conduct and appropriate discipline of the employee and**  
29 **data documenting the basis of the disciplinary action or lack of disci-**  
30 **plinary action, that is not redacted under section 4 (7) of this 2021 Act.**

31 **(4) “Law enforcement unit” does not include a tribal government.**

1 (5) “Public safety employee” means a certified reserve officer, cor-  
2 rections officer, parole and probation officer, police officer or youth  
3 correction officer.

4 (6) “Technical infraction” means a minor rule violation by a public  
5 safety employee, solely related to the enforcement of administrative  
6 departmental rules that:

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

8 (b) Is not otherwise connected to the employee’s investigative,  
9 enforcement, training, supervision or reporting responsibilities; and

10 (c) Does not involve deception, misrepresentation, dishonesty or  
11 intemperate behavior by the public safety employee.

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

15 (a) Complaints, allegations and charges relating to public safety  
16 employees, including complaints, allegations and charges of the use  
17 of excessive force, regardless of whether the complaint, allegation or  
18 charge resulted in a disciplinary proceeding;

19 (b) The existence, status and findings of any disciplinary proceed-  
20 ing;

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

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

26 (e) The existence and status of any civil proceedings against a  
27 public safety employee related to conduct under color of law;

28 (f) The existence of any judicial finding or determination by the  
29 Department of Justice or a prosecutor that a public safety employee  
30 engaged in an act of deception, dishonesty or misrepresentation or  
31 used excessive force; and

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

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

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

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

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

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

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

22 (f) The department receives notice from the Department of Justice  
23 or a prosecutor of a judicial finding or a prosecutorial determination  
24 that a public safety employee engaged in an act of deception, dishon-  
25 esty or misrepresentation or used excessive force;

26 (g) The resignation or termination of a public safety employee  
27 during an investigation or disciplinary or termination proceeding; or

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

30 (A) The time for filing an appeal of the decision of the Department  
31 of Public Safety Standards and Training under ORS 181A.650 has

1 passed and no appeal has been filed; or

2 (B) The decision of the department is appealed under ORS 181A.650  
3 and the department's decision has been sustained by the Court of Ap-  
4 peals or the appeal has been dropped.

5 (3)(a) Notwithstanding subsection (2) of this section, if the depart-  
6 ment receives notice of a disciplinary action that is subject to arbi-  
7 tration before becoming final, the department shall make the report  
8 accessible only to law enforcement units until the arbitration process  
9 is complete and the disciplinary action becomes final.

10 (b) Notwithstanding paragraph (a) of this subsection, the depart-  
11 ment shall make a report available to the public before the arbitration  
12 process is complete and the disciplinary action becomes final when the  
13 department finds that it is in the public interest to disclose the report  
14 or when the public safety employee is a witness in a court proceeding  
15 related to the disciplinary action.

16 (c) Within 10 days after the department receives notice under sec-  
17 tion 4 of this 2021 Act that the arbitration process is complete and the  
18 disciplinary action is final, the department shall publish the report by  
19 prominently posting the information on the department's website for  
20 ease of public access.

21 (4) When the department publishes information on the website un-  
22 der subsection (2) of this section, the publication must include:

23 (a) The name of the public safety employee;

24 (b) The law enforcement unit at which the employee was employed;

25 (c) A description of the facts underlying the complaint, allegation,  
26 charge, disciplinary proceeding, judicial finding, prosecutorial deter-  
27 mination, suspension, revocation, resignation or termination; and

28 (d) All findings underlying the complaint, allegation, charge, disci-  
29 plinary proceeding, judicial finding, prosecutorial determination, sus-  
30 pension, revocation, resignation or termination.

31 (5) No later than September 1 of each year, the department shall

1 submit a report to an appropriate committee of the Legislative As-  
2 sembly summarizing and analyzing the data in the database. The re-  
3 port must include, for the previous 12 months:

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

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

8 (c) Analysis of the types of misconduct that resulted in disciplinary  
9 action.

10 (d) Analysis of the types of discipline that were reversed in arbi-  
11 tration.

12 (6) The department shall retain all records entered into the data-  
13 base for at least 30 years after the date of entry into the database.

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

16 (8)(a) If a public safety employee disagrees with the accuracy of the  
17 contents of the database, the public safety employee may request that  
18 the department correct or remove the portion of the record believed  
19 to be incorrect. The request must be made in writing using a form  
20 developed by the department and available on the department's pub-  
21 licly accessible website. The department shall provide the employee  
22 with a written response to the request, including the reasons for cor-  
23 rection or removal of a portion of the record or for the refusal to  
24 correct or remove a portion of the record.

25 (b) If the department and the public safety employee cannot reach  
26 an agreement on the contents of the record, the employee may submit  
27 a written statement explaining the employee's position and the basis  
28 for the disagreement, and the department shall include the statement  
29 in the database.

30 SECTION 4. (1) Within 10 days after a law enforcement unit re-  
31 ceives a complaint or charge against a public safety employee, the law

1 enforcement unit shall report the complaint or charge to the Depart-  
2 ment of Public Safety Standards and Training.

3 (2) Within 72 hours after a law enforcement unit is notified by a  
4 public safety employee of the existence of federal or state criminal  
5 charges against the employee, the law enforcement unit shall notify  
6 the department.

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

11 (4) Within 10 days after a law enforcement unit makes a decision  
12 to impose disciplinary action on a public safety employee or a decision  
13 not to impose disciplinary action on a public safety employee, the law  
14 enforcement unit shall send a report to the department. The report  
15 must include:

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

17 (b) A detailed explanation of the decision;

18 (c) A detailed explanation of the consequences resulting from a de-  
19 cision to impose disciplinary action;

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

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

24 (5) Within 10 days after a judicial finding or a determination by the  
25 Department of Justice or a prosecutor that a public safety employee  
26 engaged in an act of deception, dishonesty or misrepresentation or  
27 used excessive force, the Department of Justice or the prosecutor shall  
28 send a report of the finding or determination to the Department of  
29 Public Safety Standards and Training. The report must include:

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

31 (b) A detailed explanation of the finding or determination, including

1 **complete factual findings and the basis for making the determination.**

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

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

8 **(a) Items involving the medical history of a public safety employee,**  
9 **not including records obtained during the course of a unit's investi-**  
10 **gation of the employee's misconduct that are relevant to the disposi-**  
11 **tion of the investigation.**

12 **(b) The home addresses, personal telephone numbers, personal cel-**  
13 **lular telephone numbers and personal electronic mail addresses of a**  
14 **public safety employee or a family member of a public safety em-**  
15 **ployee, a complainant or any other person named in a disciplinary**  
16 **record.**

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

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

22 **SECTION 5. (1) Each law enforcement unit shall begin reporting as**  
23 **required by section 4 of this 2021 Act as follows:**

24 **(a) A law enforcement unit that employs 100 or more public safety**  
25 **employees shall begin reporting no later than July 1, 2021.**

26 **(b) A law enforcement unit that employs at least 25 and not more**  
27 **than 99 public safety employees shall begin reporting no later than**  
28 **July 1, 2022.**

29 **(c) A law enforcement unit that employs between at least one and**  
30 **not more than 24 public safety employees shall begin reporting no later**  
31 **than July 1, 2023.**



1       **(2) Each law enforcement unit that holds historical information on**  
2 **active public safety employees that would have been required to be**  
3 **reported under section 4 of this 2021 Act shall report the historical**  
4 **information to the Department of Public Safety Standards and Train-**  
5 **ing annually in five-year increments, beginning with most recent his-**  
6 **torical information, as follows:**

7       **(a) A law enforcement unit that employs 100 or more public safety**  
8 **employees shall begin reporting five-year increments of historical in-**  
9 **formation no later than July 1, 2022.**

10       **(b) A law enforcement unit that employs at least 25 and not more**  
11 **than 99 public safety employees shall begin reporting five-year incre-**  
12 **ments of historical information no later than July 1, 2023.**

13       **(c) A law enforcement unit that employs at least one and not more**  
14 **than 24 public safety employees shall begin reporting five-year incre-**  
15 **ments of historical information no later than July 1, 2024.**

16       **SECTION 6.** ORS 162.305 is amended to read:

17       162.305. (1)(a) A person commits the crime of tampering with public re-  
18 cords if, without lawful authority, the person knowingly destroys, mutilates,  
19 conceals, removes, makes a false entry in or falsely alters any public record,  
20 **or knowingly directs another to destroy, mutilate, conceal, remove,**  
21 **make a false entry in or falsely alter any public record,** including re-  
22 cords relating to the Oregon State Lottery.

23       [(2)(a)] **(b)** Except as provided in paragraph [(b)] **(c)** of this subsection,  
24 tampering with public records is a Class A misdemeanor.

25       [(b)] **(c)** Tampering with records relating to the Oregon State Lottery is  
26 a Class C felony.

27       **(2)(a) A person commits the crime of recklessly tampering with**  
28 **public records if, without lawful authority, the person recklessly de-**  
29 **stroys, mutilates, conceals, removes, makes a false entry in or falsely**  
30 **alters any public record, or recklessly directs another to destroy,**  
31 **mutilate, conceal, remove, make a false entry in or falsely alter any**

1 **public record, including records relating to the Oregon State Lottery.**

2 **(b) Except as provided in paragraph (c) of this subsection, recklessly**  
3 **tampering with public records is a Class C misdemeanor.**

4 **(c) Recklessly tampering with public records relating to the Oregon**  
5 **State Lottery is a Class A misdemeanor.**

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

8 181A.830. (1) As used in this section:

9 (a) “Public body” has the meaning given that term in ORS 192.311.

10 (b) “Public safety employee” means a certified reserve officer, corrections  
11 officer, parole and probation officer, police officer or youth correction officer  
12 as those terms are defined in ORS 181A.355.

13 (2) A public body may not disclose a photograph of a public safety em-  
14 ployee of the public body without the written consent of the employee. This  
15 subsection does not apply to the use by the public body of a photograph of  
16 a public safety employee.

17 *[(3) A public body may not disclose information about a personnel investi-*  
18 *gation of a public safety employee of the public body if the investigation does*  
19 *not result in discipline of the employee.]*

20 *[(4) Subsection (3) of this section does not apply:]*

21 *[(a) When the public interest requires disclosure of the information.]*

22 *[(b) When the employee consents to disclosure in writing.]*

23 *[(c) When disclosure is necessary for an investigation by the public body,*  
24 *the Department of Public Safety Standards and Training or a citizen review*  
25 *body designated by the public body.]*

26 *[(d) To disclosures required under section 4, chapter 7, Oregon Laws 2020*  
27 *(first special session) (Enrolled House Bill 4207).]*

28 *[(e) When the public body determines that nondisclosure of the information*  
29 *would adversely affect the confidence of the public in the public body.]*

30 *[(5) If an investigation of a public safety employee of a public body results*  
31 *from a complaint, the public body may disclose to the complainant the dispo-*

1 *sition of the complaint and, to the extent the public body considers necessary*  
2 *to explain the action of the public body on the complaint, a written summary*  
3 *of information obtained in the investigation.]*

4 [(6)] (3) A public body must notify a public safety employee of the public  
5 body if the public body receives a request for:

6 (a) A photograph of the employee.

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

9 [(c) *Information about the employee that is prohibited from disclosure by*  
10 *subsection (3) of this section.*]

11 **SECTION 8.** ORS 192.345 is amended to read:

12 192.345. The following public records are exempt from disclosure under  
13 ORS 192.311 to 192.478 unless the public interest requires disclosure in the  
14 particular instance:

15 (1) Records of a public body pertaining to litigation to which the public  
16 body is a party if the complaint has been filed, or if the complaint has not  
17 been filed, if the public body shows that such litigation is reasonably likely  
18 to occur. This exemption does not apply to litigation which has been con-  
19 cluded, and nothing in this subsection shall limit any right or opportunity  
20 granted by discovery or deposition statutes to a party to litigation or po-  
21 tential litigation.

22 (2) Trade secrets. "Trade secrets," as used in this section, may include,  
23 but are not limited to, any formula, plan, pattern, process, tool, mechanism,  
24 compound, procedure, production data, or compilation of information which  
25 is not patented, which is known only to certain individuals within an or-  
26 ganization and which is used in a business it conducts, having actual or  
27 potential commercial value, and which gives its user an opportunity to ob-  
28 tain a business advantage over competitors who do not know or use it.

29 (3) Investigatory information compiled for criminal law purposes. The re-  
30 cord of an arrest or the report of a crime shall be disclosed unless and only  
31 for so long as there is a clear need to delay disclosure in the course of a

1 specific investigation, including the need to protect the complaining party  
2 or the victim. Nothing in this subsection shall limit any right constitu-  
3 tionally guaranteed, or granted by statute, to disclosure or discovery in  
4 criminal cases. For purposes of this subsection, the record of an arrest or the  
5 report of a crime includes, but is not limited to:

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

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

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

10 (d) The identity of and biographical information concerning both com-  
11 plaining party and victim;

12 (e) The identity of the investigating and arresting agency and the length  
13 of the investigation;

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

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

18 (4) Test questions, scoring keys, and other data used to administer a li-  
19 censing examination, employment, academic or other examination or testing  
20 procedure before the examination is given and if the examination is to be  
21 used again. Records establishing procedures for and instructing persons ad-  
22 ministering, grading or evaluating an examination or testing procedure are  
23 included in this exemption, to the extent that disclosure would create a risk  
24 that the result might be affected.

25 (5) Information consisting of production records, sale or purchase records  
26 or catch records, or similar business records of a private concern or enter-  
27 prise, required by law to be submitted to or inspected by a governmental  
28 body to allow it to determine fees or assessments payable or to establish  
29 production quotas, and the amounts of such fees or assessments payable or  
30 paid, to the extent that such information is in a form that would permit  
31 identification of the individual concern or enterprise. This exemption does

1 not include records submitted by long term care facilities as defined in ORS  
2 442.015 to the state for purposes of reimbursement of expenses or determining  
3 fees for patient care. Nothing in this subsection shall limit the use that can  
4 be made of such information for regulatory purposes or its admissibility in  
5 any enforcement proceeding.

6 (6) Information relating to the appraisal of real estate prior to its acqui-  
7 sition.

8 (7) The names and signatures of employees who sign authorization cards  
9 or petitions for the purpose of requesting representation or decertification  
10 elections.

11 (8) Investigatory information relating to any complaint filed under ORS  
12 659A.820 or 659A.825, until such time as the complaint is resolved under ORS  
13 659A.835, or a final order is issued under ORS 659A.850.

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

16 (10) Records, reports and other information received or compiled by the  
17 Director of the Department of Consumer and Business Services under ORS  
18 697.732.

19 (11) Information concerning the location of archaeological sites or objects  
20 as those terms are defined in ORS 358.905, except if the governing body of  
21 an Indian tribe requests the information and the need for the information is  
22 related to that Indian tribe's cultural or religious activities. This exemption  
23 does not include information relating to a site that is all or part of an ex-  
24 isting, commonly known and publicized tourist facility or attraction.

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

28 (13) Fish and wildlife information:

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

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

2 (14) Writings prepared by or under the direction of faculty of public ed-  
3 ucational institutions, in connection with research, until publicly released,  
4 copyrighted or patented.

5 (15) Computer programs developed or purchased by or for any public body  
6 for its own use. As used in this subsection, “computer program” means a  
7 series of instructions or statements which permit the functioning of a com-  
8 puter system in a manner designed to provide storage, retrieval and manip-  
9 ulation of data from such computer system, and any associated  
10 documentation and source material that explain how to operate the computer  
11 program. “Computer program” does not include:

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

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

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

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

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

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

28 (19)(a) Audits or audit reports required of a telecommunications carrier.  
29 As used in this paragraph, “audit or audit report” means any external or  
30 internal audit or audit report pertaining to a telecommunications carrier, as  
31 defined in ORS 133.721, or pertaining to a corporation having an affiliated

1 interest, as defined in ORS 759.390, with a telecommunications carrier that  
2 is intended to make the operations of the entity more efficient, accurate or  
3 compliant with applicable rules, procedures or standards, that may include  
4 self-criticism and that has been filed by the telecommunications carrier or  
5 affiliate under compulsion of state law. “Audit or audit report” does not  
6 mean an audit of a cost study that would be discoverable in a contested case  
7 proceeding and that is not subject to a protective order; and

8 (b) Financial statements. As used in this paragraph, “financial  
9 statement” means a financial statement of a nonregulated corporation having  
10 an affiliated interest, as defined in ORS 759.390, with a telecommunications  
11 carrier, as defined in ORS 133.721.

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

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

18 (a) Personal and corporate financial statements and information, includ-  
19 ing tax returns;

20 (b) Credit reports;

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

25 (d) Market studies and analyses;

26 (e) Articles of incorporation, partnership agreements and operating  
27 agreements;

28 (f) Commitment letters;

29 (g) Project pro forma statements;

30 (h) Project cost certifications and cost data;

31 (i) Audits;

- 1 (j) Project tenant correspondence requested to be confidential;  
2 (k) Tenant files relating to certification; and  
3 (L) Housing assistance payment requests.
- 4 (22) Records or information that, if disclosed, would allow a person to:  
5 (a) Gain unauthorized access to buildings or other property;  
6 (b) Identify those areas of structural or operational vulnerability that  
7 would permit unlawful disruption to, or interference with, services; or  
8 (c) Disrupt, interfere with or gain unauthorized access to public funds or  
9 to information processing, communication or telecommunication systems, in-  
10 cluding the information contained in the systems, that are used or operated  
11 by a public body.
- 12 (23) Records or information that would reveal or otherwise identify secu-  
13 rity measures, or weaknesses or potential weaknesses in security measures,  
14 taken or recommended to be taken to protect:  
15 (a) An individual;  
16 (b) Buildings or other property;  
17 (c) Information processing, communication or telecommunication systems,  
18 including the information contained in the systems; or  
19 (d) Those operations of the Oregon State Lottery the security of which  
20 are subject to study and evaluation under ORS 461.180 (6).
- 21 (24) Personal information held by or under the direction of officials of the  
22 Oregon Health and Science University or a public university listed in ORS  
23 352.002 about a person who has or who is interested in donating money or  
24 property to the Oregon Health and Science University or a public university,  
25 if the information is related to the family of the person, personal assets of  
26 the person or is incidental information not related to the donation.
- 27 (25) The home address, professional address and telephone number of a  
28 person who has or who is interested in donating money or property to a  
29 public university listed in ORS 352.002.
- 30 (26) Records of the name and address of a person who files a report with  
31 or pays an assessment to a commodity commission established under ORS



1 576.051 to 576.455, the Oregon Beef Council created under ORS 577.210 or the  
2 Oregon Wheat Commission created under ORS 578.030.

3 (27) Information provided to, obtained by or used by a public body to au-  
4 thorize, originate, receive or authenticate a transfer of funds, including but  
5 not limited to a credit card number, payment card expiration date, password,  
6 financial institution account number and financial institution routing num-  
7 ber.

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

9 (29) The electronic mail address of a student who attends a public uni-  
10 versity listed in ORS 352.002 or Oregon Health and Science University.

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

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

21 (a) The home address and home telephone number of the public safety  
22 officer or county juvenile department employee contained in the voter reg-  
23 istration records for the officer or employee.

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

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

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

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

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

4 (C) Applies until the officer or employee requests termination of the ex-  
5 emption;

6 (D) Does not apply to disclosure of records among public bodies as defined  
7 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 institution,  
12 as defined in ORS 706.008, consumer finance company licensed under ORS  
13 chapter 725, mortgage banker or mortgage broker licensed under ORS  
14 86A.095 to 86A.198, or title company for business purposes, records described  
15 in paragraph (a) of this subsection, if the exemption from disclosure of the  
16 records is sought by an individual described in paragraph (b) of this sub-  
17 section using the procedure described in paragraph (c) of this subsection:

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

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

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

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

1 (c) The individual claiming the exemption from disclosure must do so by  
2 filing the claim in writing with the public body for which the exemption from  
3 disclosure is being claimed on a form prescribed by the public body. Unless  
4 the claim is filed with the county clerk, the claim form shall list the public  
5 records in the possession of the public body to which the exemption applies.  
6 The exemption applies until the individual claiming the exemption requests  
7 termination of the exemption or ceases to qualify for the exemption.

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

9 (a) Land management plans required for voluntary stewardship agree-  
10 ments entered into under ORS 541.973; and

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

14 (34) Sensitive business records or financial or commercial information of  
15 the State Accident Insurance Fund Corporation that is not customarily pro-  
16 vided to business competitors. This exemption does not:

17 (a) Apply to the formulas for determining dividends to be paid to em-  
18 ployers insured by the State Accident Insurance Fund Corporation;

19 (b) Apply to contracts for advertising, public relations or lobbying ser-  
20 vices or to documents related to the formation of such contracts;

21 (c) Apply to group insurance contracts or to documents relating to the  
22 formation of such contracts, except that employer account records shall re-  
23 main exempt from disclosure as provided in ORS 192.355 (35); or

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

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

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

31 (37) Any document or other information related to an audit of a public

1 body, as defined in ORS 174.109, that is in the custody of an auditor or audit  
2 organization operating under nationally recognized government auditing  
3 standards, until the auditor or audit organization issues a final audit report  
4 in accordance with those standards or the audit is abandoned. This ex-  
5 emption does not prohibit disclosure of a draft audit report that is provided  
6 to the audited entity for the entity's response to the audit findings.

7 (38)(a) Personally identifiable information collected as part of an elec-  
8 tronic fare collection system of a mass transit system.

9 (b) The exemption from disclosure in paragraph (a) of this subsection does  
10 not apply to public records that have attributes of anonymity that are suffi-  
11 cient, or that are aggregated into groupings that are broad enough, to ensure  
12 that persons cannot be identified by disclosure of the public records.

13 (c) As used in this subsection:

14 (A) "Electronic fare collection system" means the software and hardware  
15 used for, associated with or relating to the collection of transit fares for a  
16 mass transit system, including but not limited to computers, radio commu-  
17 nication systems, personal mobile devices, wearable technology, fare instru-  
18 ments, information technology, data storage or collection equipment, or other  
19 equipment or improvements.

20 (B) "Mass transit system" has the meaning given that term in ORS  
21 267.010.

22 (C) "Personally identifiable information" means all information relating  
23 to a person that acquires or uses a transit pass or other fare payment me-  
24 dium in connection with an electronic fare collection system, including but  
25 not limited to:

26 (i) Customer account information, date of birth, telephone number, phys-  
27 ical address, electronic mail address, credit or debit card information, bank  
28 account information, Social Security or taxpayer identification number or  
29 other identification number, transit pass or fare payment medium balances  
30 or history, or similar personal information; or

31 (ii) Travel dates, travel times, frequency of use, travel locations, service

1 types or vehicle use, or similar travel information.

2 (39)(a) If requested by a civil code enforcement officer:

3 (A) The home address and home telephone number of the civil code  
4 enforcement officer contained in the voter registration records for the offi-  
5 cer.

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

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

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

13 (iii) Applies until the civil code enforcement officer requests termination  
14 of the exemption;

15 (iv) Does not apply to disclosure of records among public bodies as de-  
16 fined in ORS 174.109 for governmental purposes; and

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

20 (b) As used in this subsection, "civil code enforcement officer" means an  
21 employee of a public body, as defined in ORS 174.109, who is charged with  
22 enforcing laws or ordinances relating to land use, zoning, use of rights-of-  
23 way, solid waste, hazardous waste, sewage treatment and disposal or the  
24 state building code.

25 (40) Audio or video recordings, whether digital or analog, resulting from  
26 a law enforcement officer's operation of a video camera worn upon the  
27 officer's person that records the officer's interactions with members of the  
28 public while the officer is on duty. When a recording described in this sub-  
29 section is subject to disclosure, the following apply:

30 (a) Recordings that have been sealed in a court's record of a court pro-  
31 ceeding or otherwise ordered by a court not to be disclosed may not be dis-

1 closed.

2 (b) A request for disclosure under this subsection must identify the ap-  
3 proximate date and time of an incident for which the recordings are re-  
4 quested and be reasonably tailored to include only that material for which  
5 a public interest requires disclosure.

6 (c) A video recording disclosed under this subsection must, prior to dis-  
7 closure, be edited in a manner as to render the faces of all persons within  
8 the recording unidentifiable.

9 (41) The contents of tips reported to a tip line, as defined in ORS 339.329.  
10 However, personally identifiable information, as defined in ORS 339.329, is  
11 not subject to public interest balancing under this section and remains ex-  
12 empt from disclosure except as provided in ORS 339.329.

13 **SECTION 9.** ORS 192.345, as amended by section 4, chapter 532, Oregon  
14 Laws 2019, is amended to read:

15 192.345. The following public records are exempt from disclosure under  
16 ORS 192.311 to 192.478 unless the public interest requires disclosure in the  
17 particular instance:

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

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

1 (3) Investigatory information compiled for criminal law purposes. The re-  
2 cord of an arrest or the report of a crime shall be disclosed unless and only  
3 for so long as there is a clear need to delay disclosure in the course of a  
4 specific investigation, including the need to protect the complaining party  
5 or the victim. Nothing in this subsection shall limit any right constitu-  
6 tionally guaranteed, or granted by statute, to disclosure or discovery in  
7 criminal cases. For purposes of this subsection, the record of an arrest or the  
8 report of a crime includes, but is not limited to:

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

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

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

13 (d) The identity of and biographical information concerning both com-  
14 plaining party and victim;

15 (e) The identity of the investigating and arresting agency and the length  
16 of the investigation;

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

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

21 (4) Test questions, scoring keys, and other data used to administer a li-  
22 censing examination, employment, academic or other examination or testing  
23 procedure before the examination is given and if the examination is to be  
24 used again. Records establishing procedures for and instructing persons ad-  
25 ministering, grading or evaluating an examination or testing procedure are  
26 included in this exemption, to the extent that disclosure would create a risk  
27 that the result might be affected.

28 (5) Information consisting of production records, sale or purchase records  
29 or catch records, or similar business records of a private concern or enter-  
30 prise, required by law to be submitted to or inspected by a governmental  
31 body to allow it to determine fees or assessments payable or to establish

1 production quotas, and the amounts of such fees or assessments payable or  
2 paid, to the extent that such information is in a form that would permit  
3 identification of the individual concern or enterprise. This exemption does  
4 not include records submitted by long term care facilities as defined in ORS  
5 442.015 to the state for purposes of reimbursement of expenses or determining  
6 fees for patient care. Nothing in this subsection shall limit the use that can  
7 be made of such information for regulatory purposes or its admissibility in  
8 any enforcement proceeding.

9 (6) Information relating to the appraisal of real estate prior to its acqui-  
10 sition.

11 (7) The names and signatures of employees who sign authorization cards  
12 or petitions for the purpose of requesting representation or decertification  
13 elections.

14 (8) Investigatory information relating to any complaint filed under ORS  
15 659A.820 or 659A.825, until such time as the complaint is resolved under ORS  
16 659A.835, or a final order is issued under ORS 659A.850.

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

19 (10) Records, reports and other information received or compiled by the  
20 Director of the Department of Consumer and Business Services under ORS  
21 697.732.

22 (11) Information concerning the location of archaeological sites or objects  
23 as those terms are defined in ORS 358.905, except if the governing body of  
24 an Indian tribe requests the information and the need for the information is  
25 related to that Indian tribe's cultural or religious activities. This exemption  
26 does not include information relating to a site that is all or part of an ex-  
27 isting, commonly known and publicized tourist facility or attraction.

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

31 (13) Fish and wildlife information developed pursuant to ORS 496.004,



1 496.172 and 498.026 or ORS 496.192 and 564.100, regarding the habitat, lo-  
2 cation or population of any threatened species or endangered species.

3 (14) Writings prepared by or under the direction of faculty of public ed-  
4 ucational institutions, in connection with research, until publicly released,  
5 copyrighted or patented.

6 (15) Computer programs developed or purchased by or for any public body  
7 for its own use. As used in this subsection, "computer program" means a  
8 series of instructions or statements which permit the functioning of a com-  
9 puter system in a manner designed to provide storage, retrieval and manip-  
10 ulation of data from such computer system, and any associated  
11 documentation and source material that explain how to operate the computer  
12 program. "Computer program" does not include:

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

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

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

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

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

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

29 (19)(a) Audits or audit reports required of a telecommunications carrier.  
30 As used in this paragraph, "audit or audit report" means any external or  
31 internal audit or audit report pertaining to a telecommunications carrier, as

1 defined in ORS 133.721, or pertaining to a corporation having an affiliated  
2 interest, as defined in ORS 759.390, with a telecommunications carrier that  
3 is intended to make the operations of the entity more efficient, accurate or  
4 compliant with applicable rules, procedures or standards, that may include  
5 self-criticism and that has been filed by the telecommunications carrier or  
6 affiliate under compulsion of state law. “Audit or audit report” does not  
7 mean an audit of a cost study that would be discoverable in a contested case  
8 proceeding and that is not subject to a protective order; and

9 (b) Financial statements. As used in this paragraph, “financial  
10 statement” means a financial statement of a nonregulated corporation having  
11 an affiliated interest, as defined in ORS 759.390, with a telecommunications  
12 carrier, as defined in ORS 133.721.

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

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

19 (a) Personal and corporate financial statements and information, includ-  
20 ing tax returns;

21 (b) Credit reports;

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

26 (d) Market studies and analyses;

27 (e) Articles of incorporation, partnership agreements and operating  
28 agreements;

29 (f) Commitment letters;

30 (g) Project pro forma statements;

31 (h) Project cost certifications and cost data;

- 1 (i) Audits;
- 2 (j) Project tenant correspondence requested to be confidential;
- 3 (k) Tenant files relating to certification; and
- 4 (L) Housing assistance payment requests.
- 5 (22) Records or information that, if disclosed, would allow a person to:
- 6 (a) Gain unauthorized access to buildings or other property;
- 7 (b) Identify those areas of structural or operational vulnerability that
- 8 would permit unlawful disruption to, or interference with, services; or
- 9 (c) Disrupt, interfere with or gain unauthorized access to public funds or
- 10 to information processing, communication or telecommunication systems, in-
- 11 cluding the information contained in the systems, that are used or operated
- 12 by a public body.
- 13 (23) Records or information that would reveal or otherwise identify secu-
- 14 rity measures, or weaknesses or potential weaknesses in security measures,
- 15 taken or recommended to be taken to protect:
- 16 (a) An individual;
- 17 (b) Buildings or other property;
- 18 (c) Information processing, communication or telecommunication systems,
- 19 including the information contained in the systems; or
- 20 (d) Those operations of the Oregon State Lottery the security of which
- 21 are subject to study and evaluation under ORS 461.180 (6).
- 22 (24) Personal information held by or under the direction of officials of the
- 23 Oregon Health and Science University or a public university listed in ORS
- 24 352.002 about a person who has or who is interested in donating money or
- 25 property to the Oregon Health and Science University or a public university,
- 26 if the information is related to the family of the person, personal assets of
- 27 the person or is incidental information not related to the donation.
- 28 (25) The home address, professional address and telephone number of a
- 29 person who has or who is interested in donating money or property to a
- 30 public university listed in ORS 352.002.
- 31 (26) Records of the name and address of a person who files a report with

1 or pays an assessment to a commodity commission established under ORS  
2 576.051 to 576.455, the Oregon Beef Council created under ORS 577.210 or the  
3 Oregon Wheat Commission created under ORS 578.030.

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

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

10 (29) The electronic mail address of a student who attends a public uni-  
11 versity listed in ORS 352.002 or Oregon Health and Science University.

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

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

22 (a) The home address and home telephone number of the public safety  
23 officer or county juvenile department employee contained in the voter reg-  
24 istration records for the officer or employee.

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

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

31 (A) Applies only to the name of the officer or employee and any other

1 owner of the property in connection with a specific property identified by the  
2 officer or employee in a request for exemption from disclosure;

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

5 (C) Applies until the officer or employee requests termination of the ex-  
6 emption;

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

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

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

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

22 (A) A warranty deed, deed of trust, mortgage, lien, deed of reconveyance,  
23 release, satisfaction, substitution of trustee, easement, dog license, marriage  
24 license or military discharge record that is in the possession of the county  
25 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 dis-  
28 trict attorney, a deputy district attorney, the Attorney General or an assist-  
29 ant attorney general, the United States Attorney for the District of Oregon  
30 or an assistant United States attorney for the District of Oregon, a city at-  
31 torney who engages in the prosecution of criminal matters or a deputy city

1 attorney who engages in the prosecution of criminal matters.

2 (c) The individual claiming the exemption from disclosure must do so by  
3 filing the claim in writing with the public body for which the exemption from  
4 disclosure is being claimed on a form prescribed by the public body. Unless  
5 the claim is filed with the county clerk, the claim form shall list the public  
6 records in the possession of the public body to which the exemption applies.  
7 The exemption applies until the individual claiming the exemption requests  
8 termination of the exemption or ceases to qualify for the exemption.

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

10 (a) Land management plans required for voluntary stewardship agree-  
11 ments entered into under ORS 541.973; and

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

15 (34) Sensitive business records or financial or commercial information of  
16 the State Accident Insurance Fund Corporation that is not customarily pro-  
17 vided to business competitors. This exemption does not:

18 (a) Apply to the formulas for determining dividends to be paid to em-  
19 ployers insured by the State Accident Insurance Fund Corporation;

20 (b) Apply to contracts for advertising, public relations or lobbying ser-  
21 vices or to documents related to the formation of such contracts;

22 (c) Apply to group insurance contracts or to documents relating to the  
23 formation of such contracts, except that employer account records shall re-  
24 main exempt from disclosure as provided in ORS 192.355 (35); or

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

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

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

1 (37) Any document or other information related to an audit of a public  
2 body, as defined in ORS 174.109, that is in the custody of an auditor or audit  
3 organization operating under nationally recognized government auditing  
4 standards, until the auditor or audit organization issues a final audit report  
5 in accordance with those standards or the audit is abandoned. This ex-  
6 emption does not prohibit disclosure of a draft audit report that is provided  
7 to the audited entity for the entity's response to the audit findings.

8 (38)(a) Personally identifiable information collected as part of an elec-  
9 tronic fare collection system of a mass transit system.

10 (b) The exemption from disclosure in paragraph (a) of this subsection does  
11 not apply to public records that have attributes of anonymity that are suffi-  
12 cient, or that are aggregated into groupings that are broad enough, to ensure  
13 that persons cannot be identified by disclosure of the public records.

14 (c) As used in this subsection:

15 (A) "Electronic fare collection system" means the software and hardware  
16 used for, associated with or relating to the collection of transit fares for a  
17 mass transit system, including but not limited to computers, radio commu-  
18 nication systems, personal mobile devices, wearable technology, fare instru-  
19 ments, information technology, data storage or collection equipment, or other  
20 equipment or improvements.

21 (B) "Mass transit system" has the meaning given that term in ORS  
22 267.010.

23 (C) "Personally identifiable information" means all information relating  
24 to a person that acquires or uses a transit pass or other fare payment me-  
25 dium in connection with an electronic fare collection system, including but  
26 not limited to:

27 (i) Customer account information, date of birth, telephone number, phys-  
28 ical address, electronic mail address, credit or debit card information, bank  
29 account information, Social Security or taxpayer identification number or  
30 other identification number, transit pass or fare payment medium balances  
31 or history, or similar personal information; or

1 (ii) Travel dates, travel times, frequency of use, travel locations, service  
2 types or vehicle use, or similar travel information.

3 (39)(a) If requested by a civil code enforcement officer:

4 (A) The home address and home telephone number of the civil code  
5 enforcement officer contained in the voter registration records for the offi-  
6 cer.

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

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

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

14 (iii) Applies until the civil code enforcement officer requests termination  
15 of the exemption;

16 (iv) Does not apply to disclosure of records among public bodies as de-  
17 fined in ORS 174.109 for governmental purposes; and

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

21 (b) As used in this subsection, "civil code enforcement officer" means an  
22 employee of a public body, as defined in ORS 174.109, who is charged with  
23 enforcing laws or ordinances relating to land use, zoning, use of rights-of-  
24 way, solid waste, hazardous waste, sewage treatment and disposal or the  
25 state building code.

26 (40) Audio or video recordings, whether digital or analog, resulting from  
27 a law enforcement officer's operation of a video camera worn upon the  
28 officer's person that records the officer's interactions with members of the  
29 public while the officer is on duty. When a recording described in this sub-  
30 section is subject to disclosure, the following apply:

31 (a) Recordings that have been sealed in a court's record of a court pro-



1 ceeding or otherwise ordered by a court not to be disclosed may not be dis-  
2 closed.

3 (b) A request for disclosure under this subsection must identify the ap-  
4 proximate date and time of an incident for which the recordings are re-  
5 quested and be reasonably tailored to include only that material for which  
6 a public interest requires disclosure.

7 (c) A video recording disclosed under this subsection must, prior to dis-  
8 closure, be edited in a manner as to render the faces of all persons within  
9 the recording unidentifiable.

10 (41) The contents of tips reported to a tip line, as defined in ORS 339.329.  
11 However, personally identifiable information, as defined in ORS 339.329, is  
12 not subject to public interest balancing under this section and remains ex-  
13 empt from disclosure except as provided in ORS 339.329.

14 **SECTION 10. Section 3, chapter 7, Oregon Laws 2020 (first special**  
15 **session), is repealed.**

16 **SECTION 11. Sections 1 to 5 of this 2021 Act and the amendments**  
17 **to ORS 181A.830 and 192.345 by sections 7 to 9 of this 2021 Act do not**  
18 **affect a collective bargaining agreement entered into before the effec-**  
19 **tive date of this 2021 Act, to the extent compliance with the provisions**  
20 **of section 3 of this 2021 Act would conflict with or impair the execution**  
21 **of the terms of the collective bargaining agreement.**

22 **SECTION 12. (1) Section 3 of this 2021 Act becomes operative on**  
23 **July 1, 2021.**

24 **(2) The Department of Public Safety Standards and Training may**  
25 **take any action before the operative date specified in subsection (1)**  
26 **of this section to enable the department, on and after the operative**  
27 **date specified in subsection (1) of this section, to exercise all the du-**  
28 **ties, functions and powers conferred on the department by section 3**  
29 **of this 2021 Act.**

30 **SECTION 13. This 2021 Act being necessary for the immediate**  
31 **preservation of the public peace, health and safety, an emergency is**

1 **declared to exist, and this 2021 Act takes effect on its passage.**

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