

House Bill 2487

Sponsored by Representative POWER (at the request of Society of Professional Journalists) (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies provisions relating to public records about public safety officers.

A BILL FOR AN ACT

1
2 Relating to public records about public safety officers; creating new provisions; amending ORS
3 181A.830 and 192.345; and repealing ORS 192.385.

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

5 **SECTION 1.** ORS 181A.830, as amended by section 5, chapter 7, Oregon Laws 2020 (first special
6 session), is amended to read:

7 181A.830. (1) As used in this section:

8 (a) "Public body" has the meaning given that term in ORS 192.311.

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

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

15 *[(3) A public body may not disclose information about a personnel investigation of a public safety
16 employee of the public body if the investigation does not result in discipline of the employee.]*

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

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

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

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

22 *[(d) To disclosures required under section 4, chapter 7, Oregon Laws 2020 (first special session).]*

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

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

29 **[(6)] (3)** A public body must notify a public safety employee of the public body if the public body
30 receives a request for:

31 (a) A photograph of the employee.

32 (b) Information about the employee that is exempt from disclosure under ORS 192.345 or 192.355

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 (2) or (3).

2 (c) Information about the employee that is prohibited from disclosure by subsection (3) of this
 3 section.

4 **SECTION 2.** ORS 192.345 is amended to read:

5 192.345. The following public records are exempt from disclosure under ORS 192.311 to 192.478
 6 unless the public interest requires disclosure in the particular instance:

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

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

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

24 (a) The arrested person's name, age, residence, employment, marital status and similar bi-
 25 ographical information;

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

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

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

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

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

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

33 (4) Test questions, scoring keys, and other data used to administer a licensing examination,
 34 employment, academic or other examination or testing procedure before the examination is given
 35 and if the examination is to be used again. Records establishing procedures for and instructing
 36 persons administering, grading or evaluating an examination or testing procedure are included in
 37 this exemption, to the extent that disclosure would create a risk that the result might be affected.

38 (5) Information consisting of production records, sale or purchase records or catch records, or
 39 similar business records of a private concern or enterprise, required by law to be submitted to or
 40 inspected by a governmental body to allow it to determine fees or assessments payable or to estab-
 41 lish production quotas, and the amounts of such fees or assessments payable or paid, to the extent
 42 that such information is in a form that would permit identification of the individual concern or en-
 43 terprise. This exemption does not include records submitted by long term care facilities as defined
 44 in ORS 442.015 to the state for purposes of reimbursement of expenses or determining fees for pa-
 45 tient care. Nothing in this subsection shall limit the use that can be made of such information for

1 regulatory purposes or its admissibility in any enforcement proceeding.

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

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

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

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

10 (10) Records, reports and other information received or compiled by the Director of the De-
11 partment of Consumer and Business Services under ORS 697.732.

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

17 (12) A personnel discipline action, or materials or documents supporting that action, **other than**
18 **a personnel discipline action against a certified reserve officer, corrections officer, parole**
19 **and probation officer, police officer or youth correction officer as those terms are defined in**
20 **ORS 181A.355.**

21 (13) Fish and wildlife information:

22 (a) Developed pursuant to ORS 496.004, 496.172 and 498.026 or ORS 496.192 and 564.100, re-
23 garding the habitat, location or population of any threatened species or endangered species; or

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

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

27 (15) Computer programs developed or purchased by or for any public body for its own use. As
28 used in this subsection, "computer program" means a series of instructions or statements which
29 permit the functioning of a computer system in a manner designed to provide storage, retrieval and
30 manipulation of data from such computer system, and any associated documentation and source
31 material that explain how to operate the computer program. "Computer program" does not include:

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

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

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

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

38 (17) Investigatory information relating to any complaint or charge filed under ORS chapter 654,
39 until a final administrative determination is made or, if a citation is issued, until an employer re-
40 ceives notice of any citation.

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

45 (19)(a) Audits or audit reports required of a telecommunications carrier. As used in this para-

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

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

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

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

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

18 (b) Credit reports;

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

22 (d) Market studies and analyses;

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

24 (f) Commitment letters;

25 (g) Project pro forma statements;

26 (h) Project cost certifications and cost data;

27 (i) Audits;

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

29 (k) Tenant files relating to certification; and

30 (L) Housing assistance payment requests.

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

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

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

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

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

41 (a) An individual;

42 (b) Buildings or other property;

43 (c) Information processing, communication or telecommunication systems, including the infor-
 44 mation contained in the systems; or

45 (d) Those operations of the Oregon State Lottery the security of which are subject to study and

1 evaluation under ORS 461.180 (6).

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

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

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

12 (27) Information provided to, obtained by or used by a public body to authorize, originate, re-
 13 ceive or authenticate a transfer of funds, including but not limited to a credit card number, payment
 14 card expiration date, password, financial institution account number and financial institution routing
 15 number.

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

17 (29) The electronic mail address of a student who attends a public university listed in ORS
 18 352.002 or Oregon Health and Science University.

19 (30) The name, home address, professional address or location of a person that is engaged in,
 20 or that provides goods or services for, medical research at Oregon Health and Science University
 21 that is conducted using animals other than rodents. This subsection does not apply to Oregon Health
 22 and Science University press releases, websites or other publications circulated to the general pub-
 23 lic.

24 (31) If requested by a public safety officer, as defined in ORS 181A.355, or a county juvenile
 25 department employee who is charged with and primarily performs duties related to the custody,
 26 control or supervision of youth offenders confined in a detention facility, as defined in ORS
 27 419A.004:

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

30 (b) The home address and home telephone number of the public safety officer or county juvenile
 31 department employee contained in records of the Department of Public Safety Standards and Train-
 32 ing.

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

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

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

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

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

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

45 (32) Unless the public records request is made by a financial institution, as defined in ORS

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

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

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

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

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

17 (c) The individual claiming the exemption from disclosure must do so by filing the claim in
 18 writing with the public body for which the exemption from disclosure is being claimed on a form
 19 prescribed by the public body. Unless the claim is filed with the county clerk, the claim form shall
 20 list the public records in the possession of the public body to which the exemption applies. The ex-
 21 emption applies until the individual claiming the exemption requests termination of the exemption
 22 or ceases to qualify for the exemption.

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

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

26 (b) Written agreements relating to the conservation of greater sage grouse entered into volun-
 27 tarily by owners or occupiers of land with a soil and water conservation district under ORS 568.550.

28 (34) Sensitive business records or financial or commercial information of the State Accident In-
 29 surance Fund Corporation that is not customarily provided to business competitors. This exemption
 30 does not:

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

33 (b) Apply to contracts for advertising, public relations or lobbying services or to documents re-
 34 lated to the formation of such contracts;

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

38 (d) Provide the basis for opposing the discovery of documents in litigation pursuant to the ap-
 39 plicable rules of civil procedure.

40 (35) Records of the Department of Public Safety Standards and Training relating to investi-
 41 gations conducted under ORS 181A.640 or 181A.870 (6), until the department issues the report de-
 42 scribed in ORS 181A.640 or 181A.870.

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

45 (37) Any document or other information related to an audit of a public body, as defined in ORS

1 174.109, that is in the custody of an auditor or audit organization operating under nationally re-
 2 cognized government auditing standards, until the auditor or audit organization issues a final audit
 3 report in accordance with those standards or the audit is abandoned. This exemption does not pro-
 4 hibit disclosure of a draft audit report that is provided to the audited entity for the entity's response
 5 to the audit findings.

6 (38)(a) Personally identifiable information collected as part of an electronic fare collection sys-
 7 tem of a mass transit system.

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

12 (c) As used in this subsection:

13 (A) "Electronic fare collection system" means the software and hardware used for, associated
 14 with or relating to the collection of transit fares for a mass transit system, including but not limited
 15 to computers, radio communication systems, personal mobile devices, wearable technology, fare in-
 16 struments, information technology, data storage or collection equipment, or other equipment or im-
 17 provements.

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

19 (C) "Personally identifiable information" means all information relating to a person that ac-
 20 quires or uses a transit pass or other fare payment medium in connection with an electronic fare
 21 collection system, including but not limited to:

22 (i) Customer account information, date of birth, telephone number, physical address, electronic
 23 mail address, credit or debit card information, bank account information, Social Security or taxpayer
 24 identification number or other identification number, transit pass or fare payment medium balances
 25 or history, or similar personal information; or

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

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

29 (A) The home address and home telephone number of the civil code enforcement officer con-
 30 tained in the voter registration records for the officer.

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

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

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

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

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

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

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

1 state building code.

2 (40) Audio or video recordings, whether digital or analog, resulting from a law enforcement
 3 officer's operation of a video camera worn upon the officer's person that records the officer's inter-
 4 actions with members of the public while the officer is on duty. When a recording described in this
 5 subsection is subject to disclosure, the following apply:

6 (a) Recordings that have been sealed in a court's record of a court proceeding or otherwise or-
 7 dered by a court not to be disclosed may not be disclosed.

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

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

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

16 **SECTION 3.** ORS 192.345, as amended by section 4, chapter 532, Oregon Laws 2019, is amended
 17 to read:

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

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

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 26 any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or
 27 compilation of information which is not patented, which is known only to certain individuals within
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 30 do not know or use it.

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

37 (a) The arrested person's name, age, residence, employment, marital status and similar bi-
 38 ographical information;

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

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

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

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

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

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

1 (4) Test questions, scoring keys, and other data used to administer a licensing examination,
2 employment, academic or other examination or testing procedure before the examination is given
3 and if the examination is to be used again. Records establishing procedures for and instructing
4 persons administering, grading or evaluating an examination or testing procedure are included in
5 this exemption, to the extent that disclosure would create a risk that the result might be affected.

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7 similar business records of a private concern or enterprise, required by law to be submitted to or
8 inspected by a governmental body to allow it to determine fees or assessments payable or to estab-
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12 in ORS 442.015 to the state for purposes of reimbursement of expenses or determining fees for pa-
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17 purpose of requesting representation or decertification elections.

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20 ORS 659A.850.

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22 663.180.

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24 partment of Consumer and Business Services under ORS 697.732.

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26 defined in ORS 358.905, except if the governing body of an Indian tribe requests the information and
27 the need for the information is related to that Indian tribe's cultural or religious activities. This
28 exemption does not include information relating to a site that is all or part of an existing, commonly
29 known and publicized tourist facility or attraction.

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31 **a personnel discipline action against a certified reserve officer, corrections officer, parole**
32 **and probation officer, police officer or youth correction officer as those terms are defined in**
33 **ORS 181A.355.**

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35 ORS 496.192 and 564.100, regarding the habitat, location or population of any threatened species or
36 endangered species.

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38 connection with research, until publicly released, copyrighted or patented.

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40 used in this subsection, "computer program" means a series of instructions or statements which
41 permit the functioning of a computer system in a manner designed to provide storage, retrieval and
42 manipulation of data from such computer system, and any associated documentation and source
43 material that explain how to operate the computer program. "Computer program" does not include:

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1 the program; or

2 (c) The mathematical and statistical formulas which would be used if the manipulated forms of
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7 ceives notice of any citation.

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9 safety for deployment and use of personnel and equipment, prepared or used by a public body, if
10 public disclosure of the plans would endanger an individual's life or physical safety or jeopardize a
11 law enforcement activity.

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13 graph, "audit or audit report" means any external or internal audit or audit report pertaining to a
14 telecommunications carrier, as defined in ORS 133.721, or pertaining to a corporation having an af-
15 filiated interest, as defined in ORS 759.390, with a telecommunications carrier that is intended to
16 make the operations of the entity more efficient, accurate or compliant with applicable rules, pro-
17 cedures or standards, that may include self-criticism and that has been filed by the telecommuni-
18 cations carrier or affiliate under compulsion of state law. "Audit or audit report" does not mean an
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31 (c) Project appraisals, excluding appraisals obtained in the course of transactions involving an
32 interest in real estate that is acquired, leased, rented, exchanged, transferred or otherwise disposed
33 of as part of the project, but only after the transactions have closed and are concluded;

34 (d) Market studies and analyses;

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

36 (f) Commitment letters;

37 (g) Project pro forma statements;

38 (h) Project cost certifications and cost data;

39 (i) Audits;

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

41 (k) Tenant files relating to certification; and

42 (L) Housing assistance payment requests.

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

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

45 (b) Identify those areas of structural or operational vulnerability that would permit unlawful

1 disruption to, or interference with, services; or

2 (c) Disrupt, interfere with or gain unauthorized access to public funds or to information pro-
 3 cessing, communication or telecommunication systems, including the information contained in the
 4 systems, that are used or operated by a public body.

5 (23) Records or information that would reveal or otherwise identify security measures, or
 6 weaknesses or potential weaknesses in security measures, taken or recommended to be taken to
 7 protect:

8 (a) An individual;

9 (b) Buildings or other property;

10 (c) Information processing, communication or telecommunication systems, including the infor-
 11 mation contained in the systems; or

12 (d) Those operations of the Oregon State Lottery the security of which are subject to study and
 13 evaluation under ORS 461.180 (6).

14 (24) Personal information held by or under the direction of officials of the Oregon Health and
 15 Science University or a public university listed in ORS 352.002 about a person who has or who is
 16 interested in donating money or property to the Oregon Health and Science University or a public
 17 university, if the information is related to the family of the person, personal assets of the person or
 18 is incidental information not related to the donation.

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

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

24 (27) Information provided to, obtained by or used by a public body to authorize, originate, re-
 25 ceive or authenticate a transfer of funds, including but not limited to a credit card number, payment
 26 card expiration date, password, financial institution account number and financial institution routing
 27 number.

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

29 (29) The electronic mail address of a student who attends a public university listed in ORS
 30 352.002 or Oregon Health and Science University.

31 (30) The name, home address, professional address or location of a person that is engaged in,
 32 or that provides goods or services for, medical research at Oregon Health and Science University
 33 that is conducted using animals other than rodents. This subsection does not apply to Oregon Health
 34 and Science University press releases, websites or other publications circulated to the general pub-
 35 lic.

36 (31) If requested by a public safety officer, as defined in ORS 181A.355, or a county juvenile
 37 department employee who is charged with and primarily performs duties related to the custody,
 38 control or supervision of youth offenders confined in a detention facility, as defined in ORS
 39 419A.004:

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

42 (b) The home address and home telephone number of the public safety officer or county juvenile
 43 department employee contained in records of the Department of Public Safety Standards and Train-
 44 ing.

45 (c) The name of the public safety officer or county juvenile department employee contained in

1 county real property assessment or taxation records. This exemption:

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

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

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

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

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

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

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

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

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

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

29 (c) The individual claiming the exemption from disclosure must do so by filing the claim in
 30 writing with the public body for which the exemption from disclosure is being claimed on a form
 31 prescribed by the public body. Unless the claim is filed with the county clerk, the claim form shall
 32 list the public records in the possession of the public body to which the exemption applies. The ex-
 33 emption applies until the individual claiming the exemption requests termination of the exemption
 34 or ceases to qualify for the exemption.

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

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

38 (b) Written agreements relating to the conservation of greater sage grouse entered into volun-
 39 tarily by owners or occupiers of land with a soil and water conservation district under ORS 568.550.

40 (34) Sensitive business records or financial or commercial information of the State Accident In-
 41 surance Fund Corporation that is not customarily provided to business competitors. This exemption
 42 does not:

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

45 (b) Apply to contracts for advertising, public relations or lobbying services or to documents re-

lated to the formation of such contracts;

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

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

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

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

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

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

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

(c) As used in this subsection:

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

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

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

(i) Customer account information, date of birth, telephone number, physical address, electronic mail address, credit or debit card information, bank account information, Social Security or taxpayer identification number or other identification number, transit pass or fare payment medium balances or history, or similar personal information; or

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

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

(A) The home address and home telephone number of the civil code enforcement officer contained in the voter registration records for the officer.

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

(i) Applies only to the name of the civil code enforcement officer and any other owner of the

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

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

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

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

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

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

14 (40) Audio or video recordings, whether digital or analog, resulting from a law enforcement
15 officer's operation of a video camera worn upon the officer's person that records the officer's inter-
16 actions with members of the public while the officer is on duty. When a recording described in this
17 subsection is subject to disclosure, the following apply:

18 (a) Recordings that have been sealed in a court's record of a court proceeding or otherwise or-
19 dered by a court not to be disclosed may not be disclosed.

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

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

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

28 **SECTION 4. ORS 192.385 is repealed.**

29 **SECTION 5. The amendments to ORS 181A.830 and 192.345 by sections 1 to 3 of this 2021**
30 **Act and the repeal of ORS 192.385 by section 4 of this 2021 Act apply to requests for public**
31 **records made on or after the effective date of this 2021 Act.**

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