

House Bill 3145

Sponsored by COMMITTEE ON JUDICIARY (at the request of The Innocence Project, Oregon Justice Resource Center)

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**.

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 and 192.345; repealing
3 section 3, chapter 7, Oregon Laws 2020 (first special session); and declaring an emergency.

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

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

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

8 (1) **"Disciplinary action" means a corrective or punitive action imposed by a law**
9 **enforcement unit following an investigation into a public safety employee's alleged miscon-**
10 **duct, other than a technical infraction, that deprives the employee of pay, rank, accrued time**
11 **or other pecuniary benefits or results in an internal departmental reassignment or adminis-**
12 **trative leave.**

13 (2) **"Disciplinary proceeding" means the commencement of any investigation and any**
14 **subsequent hearing or other proceeding conducted by a state or local law enforcement unit,**
15 **the Department of Public Safety Standards and Training, a citizen review body or any other**
16 **entity tasked with evaluating a complaint or charge against a public safety employee.**

17 (3) **"Disciplinary records" means all records created in furtherance of a disciplinary pro-**
18 **ceeding conducted by a state or local law enforcement unit, the department, a citizen review**
19 **body or any other entity tasked with evaluating a complaint or charge against a public safety**
20 **employee, other than a complaint or charge based on a technical infraction, including, but**
21 **not limited to:**

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

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

24 (c) **All records, documents and files, in whatever form, related to the investigation, ad-**
25 **judication and disposition of the complaint or charge, that are not redacted under section 4**
26 **(7) of this 2021 Act;**

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

3 (e) Any finding by a state or local law enforcement unit, the department, a citizen review
4 body or any other entity tasked with evaluating a complaint or charge against a public safety
5 employee during a disciplinary proceeding; and

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

11 (4) "Law enforcement unit" does not include a tribal government.

12 (5) "Public safety employee" means a certified reserve officer, corrections officer, parole
13 and probation officer, police officer or youth correction officer.

14 (6) "Technical infraction" means a minor rule violation by a public safety employee,
15 solely related to the enforcement of administrative departmental rules that:

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

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

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

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

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

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

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

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

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

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

36 (g) Upon completion of an investigation of a complaint, allegation or charge against a
37 public safety employee, or if a public safety employee resigns or is terminated from employ-
38 ment while the complaint, allegation or charge is pending, all data relating to the investi-
39 gation that is not redacted under section 4 (7) of this 2021 Act.

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

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

45 (b) The department receives a report of the commencement of or a finding in a discipli-

1 nary proceeding against a public safety employee under section 4 of this 2021 Act;

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

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

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

8 (f) The department receives notice from the Department of Justice or a prosecutor of a
9 judicial finding or a prosecutorial determination that a public safety employee engaged in an
10 act of deception, dishonesty or misrepresentation or used excessive force;

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

13 (h) In the case of a suspension or revocation of certification under ORS 181A.630,
14 181A.640 and 181A.650:

15 (A) The time for filing an appeal of the decision of the Department of Public Safety
16 Standards and Training under ORS 181A.650 has passed and no appeal has been filed; or

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

19 (3)(a) Notwithstanding subsection (2) of this section, if the department receives notice
20 of a disciplinary action that is subject to arbitration before becoming final, the department
21 shall make the report accessible only to law enforcement units until the arbitration process
22 is complete and the disciplinary action becomes final.

23 (b) Notwithstanding paragraph (a) of this subsection, the department shall make a report
24 available to the public before the arbitration process is complete and the disciplinary action
25 becomes final when the department finds that it is in the public interest to disclose the re-
26 port or when the public safety employee is a witness in a court proceeding related to the
27 disciplinary action.

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

32 (4) When the department publishes information on the website under subsection (2) of
33 this section, the publication must include:

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

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

36 (c) A description of the facts underlying the complaint, allegation, charge, disciplinary
37 proceeding, judicial finding, prosecutorial determination, suspension, revocation, resignation
38 or termination; and

39 (d) All findings underlying the complaint, allegation, charge, disciplinary proceeding, ju-
40 dicial finding, prosecutorial determination, suspension, revocation, resignation or termi-
41 nation.

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

45 (a) The number of reports of disciplinary action received by the department under section

1 4 of this 2021 Act.

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

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

5 (d) Analysis of the types of discipline that were reversed in arbitration.

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

8 (7) A person may not destroy a record subject to this section before the record is in-
9 cluded in the database.

10 (8)(a) If a public safety employee disagrees with the accuracy of the contents of the da-
11 tabase, the public safety employee may request that the department correct or remove the
12 portion of the record believed to be incorrect. The request must be made in writing using a
13 form developed by the department and available on the department's publicly accessible
14 website. The department shall provide the employee with a written response to the request,
15 including the reasons for correction or removal of a portion of the record or for the refusal
16 to correct or remove a portion of the record.

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

21 **SECTION 4.** (1) Within 10 days after a law enforcement unit receives a complaint or
22 charge against a public safety employee, the law enforcement unit shall report the complaint
23 or charge to the Department of Public Safety Standards and Training.

24 (2) Within 72 hours after a law enforcement unit is notified by a public safety employee
25 of the existence of federal or state criminal charges against the employee, the law enforce-
26 ment unit shall notify the department.

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

30 (4) Within 10 days after a law enforcement unit makes a decision to impose disciplinary
31 action on a public safety employee or a decision not to impose disciplinary action on a public
32 safety employee, the law enforcement unit shall send a report to the department. The report
33 must include:

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

35 (b) A detailed explanation of the decision;

36 (c) A detailed explanation of the consequences resulting from a decision to impose disci-
37 plinary action;

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

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

41 (5) Within 10 days after a judicial finding or a determination by the Department of Jus-
42 tice or a prosecutor that a public safety employee engaged in an act of deception, dishonesty
43 or misrepresentation or used excessive force, the Department of Justice or the prosecutor
44 shall send a report of the finding or determination to the Department of Public Safety
45 Standards and Training. The report must include:

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

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

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

6 (7) A law enforcement unit shall redact from disciplinary records the following informa-
7 tion prior to disclosing records to the department:

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

11 (b) The home addresses, personal telephone numbers, personal cellular telephone num-
12 bers and personal electronic mail addresses of a public safety employee or a family member
13 of a public safety employee, a complainant or any other person named in a disciplinary re-
14 cord.

15 (c) Social security numbers.

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

19 **SECTION 5.** (1) Each law enforcement unit shall begin reporting as required by section
20 4 of this 2021 Act as follows:

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

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

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

27 (2) Each law enforcement unit that holds historical information on active public safety
28 employees that would have been required to be reported under section 4 of this 2021 Act shall
29 report the historical information to the Department of Public Safety Standards and Training
30 annually in five-year increments, beginning with most recent historical information, as fol-
31 lows:

32 (a) A law enforcement unit that employs 100 or more public safety employees shall begin
33 reporting five-year increments of historical information no later than July 1, 2022.

34 (b) A law enforcement unit that employs at least 25 and not more than 99 public safety
35 employees shall begin reporting five-year increments of historical information no later than
36 July 1, 2023.

37 (c) A law enforcement unit that employs at least one and not more than 24 public safety
38 employees shall begin reporting five-year increments of historical information no later than
39 July 1, 2024.

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

41 162.305. (1)(a) A person commits the crime of tampering with public records if, without lawful
42 authority, the person knowingly destroys, mutilates, conceals, removes, makes a false entry in or
43 falsely alters any public record, **or knowingly directs another to destroy, mutilate, conceal,**
44 **remove, make a false entry in or falsely alter any public record,** including records relating to
45 the Oregon State Lottery.

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

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

4 (2)(a) A person commits the crime of recklessly tampering with public records if, without
 5 lawful authority, the person recklessly destroys, mutilates, conceals, removes, makes a false
 6 entry in or falsely alters any public record, or recklessly directs another to destroy, mutilate,
 7 conceal, remove, make a false entry in or falsely alter any public record, including records
 8 relating to the Oregon State Lottery.

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

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

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

15 181A.830. (1) As used in this section:

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

17 (b) "Public safety employee" means a certified reserve officer, corrections officer, parole and
 18 probation officer, police officer or youth correction officer as those terms are defined in ORS
 19 181A.355.

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

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

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

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

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

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

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

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

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

38 [(6)] (3) A public body must notify a public safety employee of the public body if the public body
 39 receives a request for:

40 (a) A photograph of the employee.

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

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

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

1 192.345. The following public records are exempt from disclosure under ORS 192.311 to 192.478
 2 unless the public interest requires disclosure in the particular instance:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (9) Investigatory information relating to any complaint or charge filed under ORS 243.676 and
5 663.180.

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

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

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

15 (13) Fish and wildlife information:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (b) Credit reports;

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

16 (d) Market studies and analyses;

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

18 (f) Commitment letters;

19 (g) Project pro forma statements;

20 (h) Project cost certifications and cost data;

21 (i) Audits;

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

23 (k) Tenant files relating to certification; and

24 (L) Housing assistance payment requests.

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

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

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

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

32 (23) Records or information that would reveal or otherwise identify security measures, or
 33 weaknesses or potential weaknesses in security measures, taken or recommended to be taken to
 34 protect:

35 (a) An individual;

36 (b) Buildings or other property;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (32) Unless the public records request is made by a financial institution, as defined in ORS
40 706.008, consumer finance company licensed under ORS chapter 725, mortgage banker or mortgage
41 broker licensed under ORS 86A.095 to 86A.198, or title company for business purposes, records de-
42 scribed in paragraph (a) of this subsection, if the exemption from disclosure of the records is sought
43 by an individual described in paragraph (b) of this subsection using the procedure described in par-
44 agraph (c) of this subsection:

45 (a) The home address, home or cellular telephone number or personal electronic mail address

1 contained in the records of any public body that has received the request that is set forth in:

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

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

6 (b) The individual claiming the exemption from disclosure must be a district attorney, a deputy
 7 district attorney, the Attorney General or an assistant attorney general, the United States Attorney
 8 for the District of Oregon or an assistant United States attorney for the District of Oregon, a city
 9 attorney who engages in the prosecution of criminal matters or a deputy city attorney who engages
 10 in the prosecution of criminal matters.

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

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

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

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

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

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

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

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

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

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

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

39 (37) Any document or other information related to an audit of a public body, as defined in ORS
 40 174.109, that is in the custody of an auditor or audit organization operating under nationally re-
 41 cognized government auditing standards, until the auditor or audit organization issues a final audit
 42 report in accordance with those standards or the audit is abandoned. This exemption does not pro-
 43 hibit disclosure of a draft audit report that is provided to the audited entity for the entity's response
 44 to the audit findings.

45 (38)(a) Personally identifiable information collected as part of an electronic fare collection sys-

1 tem of a mass transit system.

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

6 (c) As used in this subsection:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (a) Recordings that have been sealed in a court's record of a court proceeding or otherwise or-

1 dered by a court not to be disclosed may not be disclosed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (5) Information consisting of production records, sale or purchase records or catch records, or

1 similar business records of a private concern or enterprise, required by law to be submitted to or
 2 inspected by a governmental body to allow it to determine fees or assessments payable or to estab-
 3 lish production quotas, and the amounts of such fees or assessments payable or paid, to the extent
 4 that such information is in a form that would permit identification of the individual concern or en-
 5 terprise. This exemption does not include records submitted by long term care facilities as defined
 6 in ORS 442.015 to the state for purposes of reimbursement of expenses or determining fees for pa-
 7 tient care. Nothing in this subsection shall limit the use that can be made of such information for
 8 regulatory purposes or its admissibility in any enforcement proceeding.

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

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

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

15 (9) Investigatory information relating to any complaint or charge filed under ORS 243.676 and
 16 663.180.

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

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

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

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

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

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

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

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

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

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

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

45 (18) Specific operational plans in connection with an anticipated threat to individual or public

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

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

13 (b) Financial statements. As used in this paragraph, "financial statement" means a financial
 14 statement of a nonregulated corporation having an affiliated interest, as defined in ORS 759.390,
 15 with a telecommunications carrier, as defined in ORS 133.721.

16 (20) The residence address of an elector if authorized under ORS 247.965 and subject to ORS
 17 247.967.

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

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

22 (b) Credit reports;

23 (c) Project appraisals, excluding appraisals obtained in the course of transactions involving an
 24 interest in real estate that is acquired, leased, rented, exchanged, transferred or otherwise disposed
 25 of as part of the project, 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 agreements;

28 (f) Commitment letters;

29 (g) Project pro forma statements;

30 (h) Project cost certifications and cost data;

31 (i) Audits;

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

33 (k) Tenant files relating to certification; and

34 (L) Housing assistance payment requests.

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

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

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

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

42 (23) Records or information that would reveal or otherwise identify security measures, or
 43 weaknesses or potential weaknesses in security measures, taken or recommended to be taken to
 44 protect:

45 (a) An individual;

1 (b) Buildings or other property;

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

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

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

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

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

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

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

21 (29) The electronic mail address of a student who attends a public university listed in ORS
22 352.002 or Oregon Health and Science University.

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

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

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

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

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

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

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

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

45 (D) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for

1 governmental purposes; and

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

4 (32) Unless the public records request is made by a financial institution, as defined in ORS
 5 706.008, consumer finance company licensed under ORS chapter 725, mortgage banker or mortgage
 6 broker licensed under ORS 86A.095 to 86A.198, or title company for business purposes, records de-
 7 scribed in paragraph (a) of this subsection, if the exemption from disclosure of the records is sought
 8 by an individual described in paragraph (b) of this subsection using the procedure described in par-
 9 agraph (c) of this subsection:

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

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

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

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

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

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

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

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

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

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 38 lated to the formation of such contracts;

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

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

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

1 scribed in ORS 181A.640 or 181A.870.

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

4 (37) Any document or other information related to an audit of a public body, as defined in ORS
5 174.109, that is in the custody of an auditor or audit organization operating under nationally re-
6 cognized government auditing standards, until the auditor or audit organization issues a final audit
7 report in accordance with those standards or the audit is abandoned. This exemption does not pro-
8 hibit disclosure of a draft audit report that is provided to the audited entity for the entity’s response
9 to the audit findings.

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

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

16 (c) As used in this subsection:

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

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

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

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

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

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

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

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

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

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

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

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

45 (v) May not result in liability for the county if the name of the civil code enforcement officer

1 is disclosed after a request for exemption from disclosure is made under this subsection.

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

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

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

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

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

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

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

21 **SECTION 11. Sections 1 to 5 of this 2021 Act and the amendments to ORS 181A.830 and
 22 192.345 by sections 7 to 9 of this 2021 Act do not affect a collective bargaining agreement
 23 entered into before the effective date of this 2021 Act, to the extent compliance with the
 24 provisions of section 3 of this 2021 Act would conflict with or impair the execution of the
 25 terms of the collective bargaining agreement.**

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

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

31 **SECTION 13. This 2021 Act being necessary for the immediate preservation of the public
 32 peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect
 33 on its passage.**

34