

Senate Bill 550

Sponsored by Senator GORSEK (Presession 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**.

Requires public body employer to establish and implement process by which employees may request employer to use unique identifier in lieu of employee's name in records contained by employer for purposes of public records requests.

Exempts from public disclosure names, together with home address and telephone number, of public employees and members of labor organization whenever employee has been assigned unique identifier.

A BILL FOR AN ACT

1
2 Relating to public records disclosures; creating new provisions; and amending ORS 192.345.

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

4 **SECTION 1. (1) As used in this section:**

5 (a) **"Labor organization" has the meaning given that term in ORS 243.650.**

6 (b) **"Public body" and "public record" have the meanings given those terms in ORS**
7 **192.311.**

8 (c) **"Unique identifier" means a number or combination of numbers and letters, other**
9 **than an employee's name, that can be used to identify an employee.**

10 (2) **Every public body that is an employer shall establish and implement a process by**
11 **which an employee of the public body, including an employee who is a member of a labor**
12 **organization, may request the public body to use a unique identifier in lieu of the employee's**
13 **name for the purposes of disclosures made in response to a public records request.**

14 (3) **Whenever an employee of a public body requests the use of a unique identifier in ac-**
15 **cordance with the process established under subsection (1) of this section, the public body**
16 **shall assign a unique identifier to the employee. Once a unique identifier has been so as-**
17 **signed, the public body may not disclose or use the name of the employee in response to a**
18 **public records request.**

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

20 192.345. The following public records are exempt from disclosure under ORS 192.311 to 192.478
21 unless the public interest requires disclosure in the particular instance:

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

27 (2) Trade secrets. "Trade secrets," as used in this section, may include, but are not limited to,
28 any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or
29 compilation of information which is not patented, which is known only to certain individuals within

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 an organization and which is used in a business it conducts, having actual or potential commercial
2 value, and which gives its user an opportunity to obtain a business advantage over competitors who
3 do not know or use it.

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (9) Investigatory information relating to any complaint or charge filed under ORS 243.676 and
40 663.180.

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

43 (11) Information concerning the location of archaeological sites or objects as those terms are
44 defined in ORS 358.905, except if the governing body of an Indian tribe requests the information and
45 the need for the information is related to that Indian tribe's cultural or religious activities. This

1 exemption does not include information relating to a site that is all or part of an existing, commonly
2 known and publicized tourist facility or attraction.

3 (12) A personnel discipline action, or materials or documents supporting that action.

4 (13) Fish and wildlife information:

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

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

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

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

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

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17 the program; or

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

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

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

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

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

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

40 (20) The residence address of an elector if authorized under ORS 247.965 and subject to ORS
41 247.967.

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

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

- 1 (b) Credit reports;
- 2 (c) Project appraisals, excluding appraisals obtained in the course of transactions involving an
- 3 interest in real estate that is acquired, leased, rented, exchanged, transferred or otherwise disposed
- 4 of as part of the project, but only after the transactions have closed and are concluded;
- 5 (d) Market studies and analyses;
- 6 (e) Articles of incorporation, partnership agreements and operating agreements;
- 7 (f) Commitment letters;
- 8 (g) Project pro forma statements;
- 9 (h) Project cost certifications and cost data;
- 10 (i) Audits;
- 11 (j) Project tenant correspondence requested to be confidential;
- 12 (k) Tenant files relating to certification; and
- 13 (L) Housing assistance payment requests.
- 14 (22) Records or information that, if disclosed, would allow a person to:
- 15 (a) Gain unauthorized access to buildings or other property;
- 16 (b) Identify those areas of structural or operational vulnerability that would permit unlawful
- 17 disruption to, or interference with, services; or
- 18 (c) Disrupt, interfere with or gain unauthorized access to public funds or to information pro-
- 19 cessing, communication or telecommunication systems, including the information contained in the
- 20 systems, that are used or operated by a public body.
- 21 (23) Records or information that would reveal or otherwise identify security measures, or
- 22 weaknesses or potential weaknesses in security measures, taken or recommended to be taken to
- 23 protect:
- 24 (a) An individual;
- 25 (b) Buildings or other property;
- 26 (c) Information processing, communication or telecommunication systems, including the infor-
- 27 mation contained in the systems; or
- 28 (d) Those operations of the Oregon State Lottery the security of which are subject to study and
- 29 evaluation under ORS 461.180 (6).
- 30 (24) Personal information held by or under the direction of officials of the Oregon Health and
- 31 Science University or a public university listed in ORS 352.002 about a person who has or who is
- 32 interested in donating money or property to the Oregon Health and Science University or a public
- 33 university, if the information is related to the family of the person, personal assets of the person or
- 34 is incidental information not related to the donation.
- 35 (25) The home address, professional address and telephone number of a person who has or who
- 36 is interested in donating money or property to a public university listed in ORS 352.002.
- 37 (26) Records of the name and address of a person who files a report with or pays an assessment
- 38 to a commodity commission established under ORS 576.051 to 576.455, the Oregon Beef Council
- 39 created under ORS 577.210 or the Oregon Wheat Commission created under ORS 578.030.
- 40 (27) Information provided to, obtained by or used by a public body to authorize, originate, re-
- 41 ceive or authenticate a transfer of funds, including but not limited to a credit card number, payment
- 42 card expiration date, password, financial institution account number and financial institution routing
- 43 number.
- 44 (28) Social Security numbers as provided in ORS 107.840.
- 45 (29) The electronic mail address of a student who attends a public university listed in ORS

1 352.002 or Oregon Health and Science University.

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

7 (31) If requested by a public safety officer, as defined in ORS 181A.355, or a county juvenile
8 department employee who is charged with and primarily performs duties related to the custody,
9 control or supervision of youth offenders confined in a detention facility, as defined in ORS
10 419A.004:

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

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

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

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

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

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

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

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

28 (32) Unless the public records request is made by a financial institution, as defined in ORS
29 706.008, consumer finance company licensed under ORS chapter 725, mortgage banker or mortgage
30 broker licensed under ORS 86A.095 to 86A.198, or title company for business purposes, records de-
31 scribed in paragraph (a) of this subsection, if the exemption from disclosure of the records is sought
32 by an individual described in paragraph (b) of this subsection using the procedure described in par-
33 agraph (c) of this subsection:

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

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

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

40 (b) The individual claiming the exemption from disclosure must be a district attorney, a deputy
41 district attorney, the Attorney General or an assistant attorney general, the United States Attorney
42 for the District of Oregon or an assistant United States attorney for the District of Oregon, a city
43 attorney who engages in the prosecution of criminal matters or a deputy city attorney who engages
44 in the prosecution of criminal matters.

45 (c) The individual claiming the exemption from disclosure must do so by filing the claim in

1 writing with the public body for which the exemption from disclosure is being claimed on a form
2 prescribed by the public body. Unless the claim is filed with the county clerk, the claim form shall
3 list the public records in the possession of the public body to which the exemption applies. The ex-
4 emption applies until the individual claiming the exemption requests termination of the exemption
5 or ceases to qualify for the exemption.

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

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

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

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

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

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

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

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

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

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

28 (37) Any document or other information related to an audit of a public body, as defined in ORS
29 174.109, that is in the custody of an auditor or audit organization operating under nationally re-
30 cognized government auditing standards, until the auditor or audit organization issues a final audit
31 report in accordance with those standards or the audit is abandoned. This exemption does not pro-
32 hibit disclosure of a draft audit report that is provided to the audited entity for the entity's response
33 to the audit findings.

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

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

40 (c) As used in this subsection:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 **(42)(a) If a public body has assigned a unique identifier to an employee of the public body**
 45 **pursuant to section 1 of this 2021 Act, the name, together with the home address or tele-**

1 **phone number of the employee, contained in the records of a public body.**

2 **(b) This exemption does not:**

3 **(A) Apply to disclosure of records among public bodies for internal verification, admin-**
4 **istration or governmental purposes; or**

5 **(B) Relieve a public employer of any duty under ORS 243.650 to 243.806.**

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

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

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

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

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

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

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35 from justice.

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39 persons administering, grading or evaluating an examination or testing procedure are included in
40 this exemption, to the extent that disclosure would create a risk that the result might be affected.

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7 purpose of requesting representation or decertification elections.

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19 known and publicized tourist facility or attraction.

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

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3 make the operations of the entity more efficient, accurate or compliant with applicable rules, pro-
4 cedures or standards, that may include self-criticism and that has been filed by the telecommuni-
5 cations carrier or affiliate under compulsion of state law. "Audit or audit report" does not mean an
6 audit of a cost study that would be discoverable in a contested case proceeding and that is not
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29 (L) Housing assistance payment requests.

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

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

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

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

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

40 (a) An individual;

41 (b) Buildings or other property;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (32) Unless the public records request is made by a financial institution, as defined in ORS
45 706.008, consumer finance company licensed under ORS chapter 725, mortgage banker or mortgage

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (37) Any document or other information related to an audit of a public body, as defined in ORS
45 174.109, that is in the custody of an auditor or audit organization operating under nationally re-

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

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

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

11 (c) As used in this subsection:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 **(42)(a) If a public body has assigned a unique identifier to an employee of the public body**
 16 **pursuant to section 1 of this 2021 Act, the name, together with the home address or tele-**
 17 **phone number of the employee, contained in the records of a public body.**

18 **(b) This exemption does not:**

19 **(A) Apply to disclosure of records among public bodies for internal verification, admin-**
 20 **istration or governmental purposes; or**

21 **(B) Relieve a public employer of any duty under ORS 243.650 to 243.806.**

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