

HB 3145-6
(LC 3300)
3/5/21 (MNJ/ps)

Requested by HOUSE COMMITTEE ON JUDICIARY (at the request of Representative Janelle Bynum)

**PROPOSED AMENDMENTS TO
HOUSE BILL 3145**

1 On page 1 of the printed bill, delete lines 5 through 26 and delete pages
2 2 through 19 and insert:

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

5 **“SECTION 2. As used sections 2 to 5 of this 2021 Act:**

6 **“(1) ‘Disciplinary action’ means a corrective or punitive action im-**
7 **posed by a law enforcement unit following an investigation into a**
8 **public safety employee’s alleged misconduct, other than a technical**
9 **infraction.**

10 **“(2) ‘Disciplinary proceeding’ means the commencement of any in-**
11 **vestigation and any subsequent hearing or other proceeding conducted**
12 **by a state or local law enforcement unit, the Department of Public**
13 **Safety Standards and Training, a citizen review body or any other**
14 **entity tasked with evaluating a complaint, allegation or charge against**
15 **a public safety employee.**

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

1 “(a) The complaints, allegations and charges against an employee;

2 “(b) The name of the employee complained of or charged;

3 “(c) All records, documents and files, in whatever form, related to
4 the investigation, adjudication and disposition of the complaint or
5 charge, that are not redacted under section 4 (5) of this 2021 Act;

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

8 “(e) Any finding by a state or local law enforcement unit, the de-
9 partment, a citizen review body or any other entity tasked with eval-
10 uating a complaint or charge against a public safety employee during
11 a disciplinary proceeding; and

12 “(f) Any final written opinion or memorandum supporting either
13 the disposition and disciplinary action imposed, or the decision not to
14 impose disciplinary action, including the complete factual findings,
15 analysis of the conduct and appropriate discipline of the employee and
16 data documenting the basis of the disciplinary action or lack of disci-
17 plinary action, that is not redacted under section 4 (5) of this 2021 Act.

18 “(4) ‘Public safety employee’ means a certified reserve officer, cor-
19 rections officer, parole and probation officer, police officer or youth
20 correction officer.

21 “(5) ‘Technical infraction’ means a minor rule violation by a public
22 safety employee, solely related to the enforcement of administrative
23 departmental rules that:

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

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

27 “(c) Does not involve deception, misrepresentation, dishonesty or
28 intemperate behavior by the employee.

29 “SECTION 3. (1) The Department of Public Safety Standards and
30 Training shall establish a statewide online database that includes but

1 need not be limited to:

2 “(a) Information about substantiated complaints, allegations and
3 charges against public safety employees, including complaints,
4 allegations and charges of the use of excessive force, regardless of
5 whether the complaint, allegation or charge resulted in a disciplinary
6 proceeding;

7 “(b) Information about complaints, allegations or charges that have
8 not been substantiated or deemed unsubstantiated when a public
9 safety employee resigns or is terminated from employment;

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

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

15 “(e) Commendations and awards granted to a public safety em-
16 ployee;

17 “(f) The existence and status of any civil proceedings against a law
18 enforcement unit related to the law enforcement unit’s professional
19 duties, a description of the proceedings and the names of public safety
20 employees involved in the proceedings; and

21 “(g) The existence of any judicial finding or determination by the
22 Department of Justice or a prosecutor that a public safety employee
23 engaged in an act of deception, dishonesty or misrepresentation or
24 used excessive force.

25 “(2) The department shall publish the information required under
26 subsection (3) of this section by prominently posting the information
27 on the department’s website for ease of public access within 10 days
28 after:

29 “(a) The department receives notice of information required to be
30 published under subsection (1) of this section or receives information

1 reported under section 4 or 5 of this 2021 Act; or

2 “(b) In the case of a suspension or revocation of certification under
3 ORS 181A.630, 181A.640 and 181A.650:

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

7 “(B) The decision of the department is appealed under ORS 181A.650
8 and the department’s decision has been sustained by the Court of Ap-
9 peals or the appeal has been dropped.

10 “(3) When the department publishes information on the website
11 under subsection (2) of this section, the publication must include:

12 “(a) The name of the public safety employee who is the subject of
13 the complaint, allegation, charge, judicial finding, prosecutorial de-
14 termination, suspension, revocation, resignation, termination, com-
15 mendation or award;

16 “(b) A brief summary of the complaint, allegation, charge, judicial
17 finding, prosecutorial determination, suspension, revocation, resigna-
18 tion or termination;

19 “(c) The date of the complaint, allegation, charge, judicial finding,
20 prosecutorial determination, suspension, revocation, resignation or
21 termination;

22 “(d) The date any investigation into a complaint, allegation or
23 charge was commenced and the findings of the investigation; and

24 “(e) A description of any disciplinary action taken in response to a
25 complaint, allegation or charge.

26 “(4) No later than September 1 of each year, the department shall
27 submit a report to an appropriate committee of the Legislative As-
28 sembly summarizing and analyzing the data in the database. The re-
29 port must include, for the previous 12 months:

30 “(a) The number of reports of disciplinary action received by the

1 department under section 4 of this 2021 Act.

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

4 “(c) Analysis of the types of misconduct that resulted in discipli-
5 nary action.

6 “(d) Analysis of the types of discipline that were reversed in arbi-
7 tration.

8 “(5) The department shall retain all records entered into the data-
9 base for at least 30 years after the date of entry into the database.

10 “(6) A person may not destroy a record subject to this section before
11 the record is included in the database.

12 “(7)(a) If a public safety employee disagrees with the accuracy of
13 the contents of the database, the public safety employee may request
14 that the department correct or remove the portion of the record be-
15 lieved to be incorrect. The request must be made in writing using a
16 form developed by the department and available on the department’s
17 publicly accessible website. The department shall provide the employee
18 with a written response to the request, including the reasons for cor-
19 rection or removal of a portion of the record or for the refusal to
20 correct or remove a portion of the record.

21 “(b) If the department and the public safety employee cannot reach
22 an agreement on the contents of the record, the employee may submit
23 a written statement explaining the employee’s position and the basis
24 for the disagreement, and the department shall include the statement
25 in the database.

26 **“SECTION 4. (1) A law enforcement unit shall maintain records of**
27 **complaints, allegations and charges against public safety employees**
28 **employed by the law enforcement unit, and the investigations and**
29 **outcomes of the investigations of the complaints, allegations and**
30 **charges.**

1 **“(2) A law enforcement unit shall report to the Department of**
2 **Public Safety Standards and Training within 72 hours after:**

3 **“(a) The law enforcement unit substantiates a complaint, allegation**
4 **or charge against a public safety employee employed by the law**
5 **enforcement unit.**

6 **“(b) The law enforcement unit makes a decision to impose discipli-**
7 **nary action on a public safety employee or a decision not to impose**
8 **disciplinary action on a public safety employee based on a substanti-**
9 **ated complaint, allegation or charge.**

10 **“(c) If a disciplinary action is subject to arbitration, the date when**
11 **the arbitration process is complete.**

12 **“(d) A public safety employee resigns or is terminated before a**
13 **complaint, allegation or charge against the employee is substantiated.**

14 **“(e) The law enforcement unit is notified of the existence of federal**
15 **or state criminal charges against a public safety employee employed**
16 **by the law enforcement unit.**

17 **“(f) The law enforcement unit is notified of civil proceedings against**
18 **the law enforcement unit related to the law enforcement unit’s pro-**
19 **fessional duties.**

20 **“(g) The law enforcement unit grants a commendation or award to**
21 **a public safety employee.**

22 **“(3) A report under subsection (2) of this section must include:**

23 **“(a) The name and rank of any public safety employee named in a**
24 **complaint, allegation, charge or civil proceeding; and**

25 **“(b) A brief description of the complaint, allegation or charge or the**
26 **facts underlying the criminal charges or civil proceeding.**

27 **“(4) A law enforcement unit shall report to the department at least**
28 **once each calendar quarter the following information:**

29 **“(a) The number of complaints, allegations and charges against**
30 **public safety employees received by the law enforcement unit.**

1 **“(b) The number and types of investigations of complaints,**
2 **allegations and charges against public safety employees pending in the**
3 **law enforcement unit.**

4 **“(c) The number of investigations of complaints, allegations and**
5 **charges against public safety employees closed by the law enforcement**
6 **unit in the previous calendar quarter.**

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

10 **“(a) Items involving the medical history of a public safety em-**
11 **ployee, not including records obtained during the course of a unit’s**
12 **investigation of the employee’s misconduct that are relevant to the**
13 **disposition of the investigation.**

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

19 **“(c) Social Security numbers.**

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

24 **“SECTION 5. Within 72 hours after a judicial finding or a determi-**
25 **nation by the Department of Justice or a prosecutor that a public**
26 **safety employee engaged in an act of deception, dishonesty or misrep-**
27 **resentation or used excessive force, the Department of Justice or the**
28 **prosecutor shall send a report of the finding or determination to the**
29 **Department of Public Safety Standards and Training. The report must**
30 **include:**

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

2 “(2) A detailed explanation of the finding or determination, includ-
3 ing complete factual findings and the basis for making the determi-
4 nation.

5 “SECTION 6. (1) Each law enforcement unit shall begin reporting
6 as required by section 4 of this 2021 Act as follows:

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

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

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

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

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

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

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

30 “SECTION 7. ORS 162.305 is amended to read:

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

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

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

11 “(2)(a) **A person commits the crime of recklessly tampering with**
12 **public records if, without lawful authority, the person recklessly de-**
13 **stroys, mutilates, conceals, removes, makes a false entry in or falsely**
14 **alters any public record, or recklessly directs another to destroy,**
15 **mutilate, conceal, remove, make a false entry in or falsely alter any**
16 **public record, including records relating to the Oregon State Lottery.**

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

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

21 “**SECTION 8.** ORS 181A.830, as amended by section 5, chapter 7, Oregon
22 Laws 2020 (first special session), is amended to read:

23 “181A.830. (1) As used in this section:

24 “(a) ‘Public body’ has the meaning given that term in ORS 192.311.

25 “(b) ‘Public safety employee’ means a certified reserve officer, corrections
26 officer, parole and probation officer, police officer or youth correction officer
27 as those terms are defined in ORS 181A.355.

28 “(2) A public body may not disclose a photograph of a public safety em-
29 ployee of the public body without the written consent of the employee. This
30 subsection does not apply to the use by the public body of a photograph of

1 a public safety employee.

2 “[*(3) A public body may not disclose information about a personnel inves-*
3 *tigation of a public safety employee of the public body if the investigation does*
4 *not result in discipline of the employee.*]

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

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

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

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

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

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

15 “[*(5) If an investigation of a public safety employee of a public body results*
16 *from a complaint, the public body may disclose to the complainant the dispo-*
17 *sition of the complaint and, to the extent the public body considers necessary*
18 *to explain the action of the public body on the complaint, a written summary*
19 *of information obtained in the investigation.*]

20 “[*(6)*] **(3)** A public body must notify a public safety employee of the public
21 body if the public body receives a request for:

22 “(a) A photograph of the employee.

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

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

27 **“SECTION 9.** ORS 192.345 is amended to read:

28 “192.345. The following public records are exempt from disclosure under
29 ORS 192.311 to 192.478 unless the public interest requires disclosure in the
30 particular instance:

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

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

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

23 “(a) The arrested person’s name, age, residence, employment, marital sta-
24 tus and similar biographical information;

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

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

27 “(d) The identity of and biographical information concerning both com-
28 plaining party and victim;

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

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

3 “(g) Such information as may be necessary to enlist public assistance in
4 apprehending fugitives from justice.

5 “(4) Test questions, scoring keys, and other data used to administer a li-
6 censing examination, employment, academic or other examination or testing
7 procedure before the examination is given and if the examination is to be
8 used again. Records establishing procedures for and instructing persons ad-
9 ministering, grading or evaluating an examination or testing procedure are
10 included in this exemption, to the extent that disclosure would create a risk
11 that the result might be affected.

12 “(5) Information consisting of production records, sale or purchase records
13 or catch records, or similar business records of a private concern or enter-
14 prise, required by law to be submitted to or inspected by a governmental
15 body to allow it to determine fees or assessments payable or to establish
16 production quotas, and the amounts of such fees or assessments payable or
17 paid, to the extent that such information is in a form that would permit
18 identification of the individual concern or enterprise. This exemption does
19 not include records submitted by long term care facilities as defined in ORS
20 442.015 to the state for purposes of reimbursement of expenses or determining
21 fees for patient care. Nothing in this subsection shall limit the use that can
22 be made of such information for regulatory purposes or its admissibility in
23 any enforcement proceeding.

24 “(6) Information relating to the appraisal of real estate prior to its ac-
25 quisition.

26 “(7) The names and signatures of employees who sign authorization cards
27 or petitions for the purpose of requesting representation or decertification
28 elections.

29 “(8) Investigatory information relating to any complaint filed under ORS
30 659A.820 or 659A.825, until such time as the complaint is resolved under ORS

1 659A.835, or a final order is issued under ORS 659A.850.

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

4 “(10) Records, reports and other information received or compiled by the
5 Director of the Department of Consumer and Business Services under ORS
6 697.732.

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

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

16 “(13) Fish and wildlife information:

17 “(a) Developed pursuant to ORS 496.004, 496.172 and 498.026 or ORS
18 496.192 and 564.100, regarding the habitat, location or population of any
19 threatened species or endangered species; or

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

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

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

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

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

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

7 “(16) Data and information provided by participants to mediation under
8 ORS 36.256.

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

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

17 “(19)(a) Audits or audit reports required of a telecommunications carrier.
18 As used in this paragraph, ‘audit or audit report’ means any external or
19 internal audit or audit report pertaining to a telecommunications carrier, as
20 defined in ORS 133.721, or pertaining to a corporation having an affiliated
21 interest, as defined in ORS 759.390, with a telecommunications carrier that
22 is intended to make the operations of the entity more efficient, accurate or
23 compliant with applicable rules, procedures or standards, that may include
24 self-criticism and that has been filed by the telecommunications carrier or
25 affiliate under compulsion of state law. ‘Audit or audit report’ does not mean
26 an audit of a cost study that would be discoverable in a contested case pro-
27 ceeding and that is not subject to a protective order; and

28 “(b) Financial statements. As used in this paragraph, ‘financial
29 statement’ means a financial statement of a nonregulated corporation having
30 an affiliated interest, as defined in ORS 759.390, with a telecommunications

1 carrier, as defined in ORS 133.721.

2 “(20) The residence address of an elector if authorized under ORS 247.965
3 and subject to ORS 247.967.

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

8 “(a) Personal and corporate financial statements and information, in-
9 cluding tax returns;

10 “(b) Credit reports;

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

15 “(d) Market studies and analyses;

16 “(e) Articles of incorporation, partnership agreements and operating
17 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
28 would permit unlawful disruption to, or interference with, services; or

29 “(c) Disrupt, interfere with or gain unauthorized access to public funds
30 or to information processing, communication or telecommunication systems,

1 including the information contained in the systems, that are used or operated
2 by a public body.

3 “(23) Records or information that would reveal or otherwise identify se-
4 curity measures, or weaknesses or potential weaknesses in security measures,
5 taken or recommended to be taken to protect:

6 “(a) An individual;

7 “(b) Buildings or other property;

8 “(c) Information processing, communication or telecommunication sys-
9 tems, including the information contained in the systems; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 “(C) Applies until the officer or employee requests termination of the ex-
28 emption;

29 “(D) Does not apply to disclosure of records among public bodies as de-
30 fined in ORS 174.109 for governmental purposes; and

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

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

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

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

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

19 “(b) The individual claiming the exemption from disclosure must be a
20 district attorney, a deputy district attorney, the Attorney General or an as-
21 sistant attorney general, the United States Attorney for the District of
22 Oregon or an assistant United States attorney for the District of Oregon, a
23 city attorney who engages in the prosecution of criminal matters or a deputy
24 city attorney who engages in the prosecution of criminal matters.

25 “(c) The individual claiming the exemption from disclosure must do so by
26 filing the claim in writing with the public body for which the exemption from
27 disclosure is being claimed on a form prescribed by the public body. Unless
28 the claim is filed with the county clerk, the claim form shall list the public
29 records in the possession of the public body to which the exemption applies.
30 The exemption applies until the individual claiming the exemption requests

1 termination of the exemption or ceases to qualify for the exemption.

2 “(33) The following voluntary conservation agreements and reports:

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

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

8 “(34) Sensitive business records or financial or commercial information
9 of the State Accident Insurance Fund Corporation that is not customarily
10 provided to business competitors. This exemption does not:

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

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

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

18 “(d) Provide the basis for opposing the discovery of documents in liti-
19 gation pursuant to the applicable rules of civil procedure.

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

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

25 “(37) Any document or other information related to an audit of a public
26 body, as defined in ORS 174.109, that is in the custody of an auditor or audit
27 organization operating under nationally recognized government auditing
28 standards, until the auditor or audit organization issues a final audit report
29 in accordance with those standards or the audit is abandoned. This ex-
30 emption does not prohibit disclosure of a draft audit report that is provided

1 to the audited entity for the entity’s response to the audit findings.

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

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

8 “(c) As used in this subsection:

9 “(A) ‘Electronic fare collection system’ means the software and hardware
10 used for, associated with or relating to the collection of transit fares for a
11 mass transit system, including but not limited to computers, radio commu-
12 nication systems, personal mobile devices, wearable technology, fare instru-
13 ments, information technology, data storage or collection equipment, or other
14 equipment or improvements.

15 “(B) ‘Mass transit system’ has the meaning given that term in ORS
16 267.010.

17 “(C) ‘Personally identifiable information’ means all information relating
18 to a person that acquires or uses a transit pass or other fare payment me-
19 dium in connection with an electronic fare collection system, including but
20 not limited to:

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

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

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

29 “(A) The home address and home telephone number of the civil code
30 enforcement officer contained in the voter registration records for the offi-

1 cer.

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

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

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

9 “(iii) Applies until the civil code enforcement officer requests termination
10 of the exemption;

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

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

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

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

26 “(a) Recordings that have been sealed in a court’s record of a court pro-
27 ceeding or otherwise ordered by a court not to be disclosed may not be dis-
28 closed.

29 “(b) A request for disclosure under this subsection must identify the ap-
30 proximate date and time of an incident for which the recordings are re-

1 requested and be reasonably tailored to include only that material for which
2 a public interest requires disclosure.

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

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

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

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

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

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

29 “(3) Investigatory information compiled for criminal law purposes. The
30 record of an arrest or the report of a crime shall be disclosed unless and only

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

7 “(a) The arrested person’s name, age, residence, employment, marital sta-
8 tus and similar biographical information;

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

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

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

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

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

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

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

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

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

8 “(6) Information relating to the appraisal of real estate prior to its ac-
9 quisition.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 “(19)(a) Audits or audit reports required of a telecommunications carrier.
30 As used in this paragraph, ‘audit or audit report’ means any external or

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

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

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

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

20 “(a) Personal and corporate financial statements and information, in-
21 cluding tax returns;

22 “(b) Credit reports;

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

27 “(d) Market studies and analyses;

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

30 “(f) Commitment letters;

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

1 person who has or who is interested in donating money or property to a
2 public university listed in ORS 352.002.

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

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

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

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

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

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

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

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

1 “(c) The name of the public safety officer or county juvenile department
2 employee contained in county real property assessment or taxation records.

3 This exemption:

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

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

9 “(C) Applies until the officer or employee requests termination of the ex-
10 emption;

11 “(D) Does not apply to disclosure of records among public bodies as de-
12 fined in ORS 174.109 for governmental purposes; and

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

16 “(32) Unless the public records request is made by a financial institution,
17 as defined in ORS 706.008, consumer finance company licensed under ORS
18 chapter 725, mortgage banker or mortgage broker licensed under ORS
19 86A.095 to 86A.198, or title company for business purposes, records described
20 in paragraph (a) of this subsection, if the exemption from disclosure of the
21 records is sought by an individual described in paragraph (b) of this sub-
22 section using the procedure described in paragraph (c) of this subsection:

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

26 “(A) A warranty deed, deed of trust, mortgage, lien, deed of reconveyance,
27 release, satisfaction, substitution of trustee, easement, dog license, marriage
28 license or military discharge record that is in the possession of the county
29 clerk; or

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

1 “(b) The individual claiming the exemption from disclosure must be a
2 district attorney, a deputy district attorney, the Attorney General or an as-
3 sistant attorney general, the United States Attorney for the District of
4 Oregon or an assistant United States attorney for the District of Oregon, a
5 city attorney who engages in the prosecution of criminal matters or a deputy
6 city attorney who engages in the prosecution of criminal matters.

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

14 “(33) The following voluntary conservation agreements and reports:

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

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

20 “(34) Sensitive business records or financial or commercial information
21 of the State Accident Insurance Fund Corporation that is not customarily
22 provided to business competitors. This exemption does not:

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

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

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

30 “(d) Provide the basis for opposing the discovery of documents in liti-

1 gation pursuant to the applicable rules of civil procedure.

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

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

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

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

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

20 “(c) As used in this subsection:

21 “(A) ‘Electronic fare collection system’ means the software and hardware
22 used for, associated with or relating to the collection of transit fares for a
23 mass transit system, including but not limited to computers, radio commu-
24 nication systems, personal mobile devices, wearable technology, fare instru-
25 ments, information technology, data storage or collection equipment, or other
26 equipment or improvements.

27 “(B) ‘Mass transit system’ has the meaning given that term in ORS
28 267.010.

29 “(C) ‘Personally identifiable information’ means all information relating
30 to a person that acquires or uses a transit pass or other fare payment me-

1 dium in connection with an electronic fare collection system, including but
2 not limited to:

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

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

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

11 “(A) The home address and home telephone number of the civil code
12 enforcement officer contained in the voter registration records for the offi-
13 cer.

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

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

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

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

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

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

28 “(b) As used in this subsection, ‘civil code enforcement officer’ means an
29 employee of a public body, as defined in ORS 174.109, who is charged with
30 enforcing laws or ordinances relating to land use, zoning, use of rights-of-

1 way, solid waste, hazardous waste, sewage treatment and disposal or the
2 state building code.

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

8 “(a) Recordings that have been sealed in a court’s record of a court pro-
9 ceeding or otherwise ordered by a court not to be disclosed may not be dis-
10 closed.

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

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

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

22 **“SECTION 11. Section 3, chapter 7, Oregon Laws 2020 (first special
23 session), is repealed.**

24 **“SECTION 12. Sections 1 to 6 of this 2021 Act and the amendments
25 to ORS 181A.830 and 192.345 by sections 8 to 10 of this 2021 Act do not
26 affect a collective bargaining agreement entered into before the effec-
27 tive date of this 2021 Act, to the extent compliance with the provisions
28 of section 3 of this 2021 Act would conflict with or impair the execution
29 of the terms of the collective bargaining agreement.**

30 **“SECTION 13. (1) Section 3 of this 2021 Act becomes operative on**

1 **July 1, 2021.**

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

8 **“SECTION 14. This 2021 Act being necessary for the immediate**
9 **preservation of the public peace, health and safety, an emergency is**
10 **declared to exist, and this 2021 Act takes effect on its passage.”.**

11
