

HB 3145-9  
(LC 3300)  
4/5/21 (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, line 2, after “ORS” delete the rest of the  
2 line and delete line 3 and insert “181A.830 and 192.345; and declaring an  
3 emergency.”.

4 Delete lines 5 through 26 and delete pages 2 through 19 and insert:

5 **“SECTION 1. Section 2 of this 2021 Act is added to and made a part  
6 of ORS 181A.355 to 181A.670.**

7 **“SECTION 2. Within 10 days after an economic sanction as part of  
8 discipline imposed on a police officer has become final and the arbi-  
9 tration process is complete, the law enforcement unit that imposed the  
10 discipline shall report on the discipline to the Oregon Criminal Justice  
11 Commission. The report must include:**

12 **“(1) The name and rank of the officer disciplined;**

13 **“(2) The name of the law enforcement unit at which the officer is  
14 or was employed; and**

15 **“(3) A description of the facts underlying the discipline imposed,  
16 including a copy of any final decision.**

17 **“SECTION 3. (1) The Oregon Criminal Justice Commission shall  
18 establish a statewide online database of discipline of police officers  
19 involving economic sanctions that is accessible by the public.**

20 **“(2) Within 10 days after receiving notice of discipline under section  
21 2 of this 2021 Act, the commission shall publish information on the**

1 **database including but not limited to:**

2 **“(a) The name and rank of the officer disciplined;**

3 **“(b) The name of the law enforcement unit at which the officer is**  
4 **or was employed; and**

5 **“(c) A description of the facts underlying the discipline.**

6 **“(3) The commission shall submit an annual report to an appropri-**  
7 **ate committee of the Legislative Assembly summarizing and analyzing**  
8 **the data in the database.**

9 **“SECTION 4.** ORS 181A.830, as amended by section 5, chapter 7, Oregon  
10 Laws 2020 (first special session), is amended to read:

11 “181A.830. (1) As used in this section:

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

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

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

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

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

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

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

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

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

1       “(e) When the public body determines that nondisclosure of the information  
2 would adversely affect the confidence of the public in the public body.]

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

8       “[(6)] (3) A public body must notify a public safety employee of the public  
9 body if the public body receives a request for:

10       “(a) A photograph of the employee.

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

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

15       “**SECTION 5.** ORS 192.345 is amended to read:

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

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

26       “(2) Trade secrets. ‘Trade secrets,’ as used in this section, may include,  
27 but are not limited to, any formula, plan, pattern, process, tool, mechanism,  
28 compound, procedure, production data, or compilation of information which  
29 is not patented, which is known only to certain individuals within an or-  
30 ganization and which is used in a business it conducts, having actual or

1 potential commercial value, and which gives its user an opportunity to ob-  
2 tain a business advantage over competitors who do not know or use it.

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

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

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

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

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

17 “(e) The identity of the investigating and arresting agency and the length  
18 of the investigation;

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

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

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

30 “(5) Information consisting of production records, sale or purchase records

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

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

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

17 “(8) Investigatory information relating to any complaint filed under ORS  
18 659A.820 or 659A.825, until such time as the complaint is resolved under ORS  
19 659A.835, or a final order is issued under ORS 659A.850.

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

22 “(10) Records, reports and other information received or compiled by the  
23 Director of the Department of Consumer and Business Services under ORS  
24 697.732.

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

1       “(12) A personnel discipline action, or materials or documents supporting  
2 that action, **except for records created in furtherance of a disciplinary**  
3 **proceeding conducted by a state or local law enforcement unit, the**  
4 **Department of Public Safety Standards and Training, a citizen review**  
5 **body or any other entity tasked with evaluating a complaint or charge**  
6 **against a police officer as defined in ORS 181A.355.**

7       “(13) Fish and wildlife information:

8       “(a) Developed pursuant to ORS 496.004, 496.172 and 498.026 or ORS  
9 496.192 and 564.100, regarding the habitat, location or population of any  
10 threatened species or endangered species; or

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

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

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

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

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

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

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

30       “(17) Investigatory information relating to any complaint or charge filed

1 under ORS chapter 654, until a final administrative determination is made  
2 or, if a citation is issued, until an employer receives notice of any citation.

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

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

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

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

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

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

1       “(b) Credit reports;

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

6       “(d) Market studies and analyses;

7       “(e) Articles of incorporation, partnership agreements and operating  
8 agreements;

9       “(f) Commitment letters;

10       “(g) Project pro forma statements;

11       “(h) Project cost certifications and cost data;

12       “(i) Audits;

13       “(j) Project tenant correspondence requested to be confidential;

14       “(k) Tenant files relating to certification; and

15       “(L) Housing assistance payment requests.

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

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

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

20       “(c) Disrupt, interfere with or gain unauthorized access to public funds  
21 or to information processing, communication or telecommunication systems,  
22 including the information contained in the systems, that are used or operated  
23 by a public body.

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

27       “(a) An individual;

28       “(b) Buildings or other property;

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



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

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

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

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

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

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

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

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

30       “(31) If requested by a public safety officer, as defined in ORS 181A.355,

1 or a county juvenile department employee who is charged with and primarily  
2 performs duties related to the custody, control or supervision of youth  
3 offenders confined in a detention facility, as defined in ORS 419A.004:

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

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

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

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

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

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

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

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

25 “(32) Unless the public records request is made by a financial institution,  
26 as defined in ORS 706.008, consumer finance company licensed under ORS  
27 chapter 725, mortgage banker or mortgage broker licensed under ORS  
28 86A.095 to 86A.198, or title company for business purposes, records described  
29 in paragraph (a) of this subsection, if the exemption from disclosure of the  
30 records is sought by an individual described in paragraph (b) of this sub-

1 section using the procedure described in paragraph (c) of this subsection:

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

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

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

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

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

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

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

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

29 “(34) Sensitive business records or financial or commercial information  
30 of the State Accident Insurance Fund Corporation that is not customarily

1 provided to business competitors. This exemption does not:

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

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

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

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

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

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

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

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

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

29 “(c) As used in this subsection:

30 “(A) ‘Electronic fare collection system’ means the software and hardware

1 used for, associated with or relating to the collection of transit fares for a  
2 mass transit system, including but not limited to computers, radio commu-  
3 nication systems, personal mobile devices, wearable technology, fare instru-  
4 ments, information technology, data storage or collection equipment, or other  
5 equipment or improvements.

6 “(B) ‘Mass transit system’ has the meaning given that term in ORS  
7 267.010.

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

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

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

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

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

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

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

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

30 “(iii) Applies until the civil code enforcement officer requests termination

1 of the exemption;

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

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

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

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

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

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

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

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

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

3       “192.345. The following public records are exempt from disclosure under  
4 ORS 192.311 to 192.478 unless the public interest requires disclosure in the  
5 particular instance:

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

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

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

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

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

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

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

4       “(e) The identity of the investigating and arresting agency and the length  
5 of the investigation;

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

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

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

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

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



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

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

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

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

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

18 “(12) A personnel discipline action, or materials or documents supporting  
19 that action, **except for records created in furtherance of a disciplinary**  
20 **proceeding conducted by a state or local law enforcement unit, the**  
21 **Department of Public Safety Standards and Training, a citizen review**  
22 **body or any other entity tasked with evaluating a complaint or charge**  
23 **against a police officer as defined in ORS 181A.355.**

24 “(13) Fish and wildlife information developed pursuant to ORS 496.004,  
25 496.172 and 498.026 or ORS 496.192 and 564.100, regarding the habitat, lo-  
26 cation or population of any threatened species or endangered species.

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

30 “(15) Computer programs developed or purchased by or for any public

1 body for its own use. As used in this subsection, ‘computer program’ means  
2 a series of instructions or statements which permit the functioning of a  
3 computer system in a manner designed to provide storage, retrieval and ma-  
4 nipulation of data from such computer system, and any associated documen-  
5 tation and source material that explain how to operate the computer  
6 program. ‘Computer program’ does not include:

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

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

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

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

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

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

23 “(19)(a) Audits or audit reports required of a telecommunications carrier.  
24 As used in this paragraph, ‘audit or audit report’ means any external or  
25 internal audit or audit report pertaining to a telecommunications carrier, as  
26 defined in ORS 133.721, or pertaining to a corporation having an affiliated  
27 interest, as defined in ORS 759.390, with a telecommunications carrier that  
28 is intended to make the operations of the entity more efficient, accurate or  
29 compliant with applicable rules, procedures or standards, that may include  
30 self-criticism and that has been filed by the telecommunications carrier or

1 affiliate under compulsion of state law. ‘Audit or audit report’ does not mean  
2 an audit of a cost study that would be discoverable in a contested case pro-  
3 ceeding and that is not subject to a protective order; and

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

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

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

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

16 “(b) Credit reports;

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

21 “(d) Market studies and analyses;

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

24 “(f) Commitment letters;

25 “(g) Project pro forma statements;

26 “(h) Project cost certifications and cost data;

27 “(i) Audits;

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

29 “(k) Tenant files relating to certification; and

30 “(L) Housing assistance payment requests.

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

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

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

5 “(c) Disrupt, interfere with or gain unauthorized access to public funds  
6 or to information processing, communication or telecommunication systems,  
7 including the information contained in the systems, that are used or operated  
8 by a public body.

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

12 “(a) An individual;

13 “(b) Buildings or other property;

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

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

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

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

27 “(26) Records of the name and address of a person who files a report with  
28 or pays an assessment to a commodity commission established under ORS  
29 576.051 to 576.455, the Oregon Beef Council created under ORS 577.210 or the  
30 Oregon Wheat Commission created under ORS 578.030.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14       “(c) As used in this subsection:

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

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

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

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



1 or history, or similar personal information; or

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

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

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

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

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

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

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

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

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

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

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

1 section is subject to disclosure, the following apply:

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

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

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

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

16 **“SECTION 7. Sections 2 and 3 of this 2021 Act and the amendments**  
17 **to ORS 181A.830 and 192.345 by sections 4 to 6 of this 2021 Act do not**  
18 **affect a collective bargaining agreement entered into before the effec-**  
19 **tive date of this 2021 Act, to the extent compliance with the provisions**  
20 **of section 2 of this 2021 Act would conflict with or impair the execution**  
21 **of the terms of the collective bargaining agreement.**

22 **“SECTION 8. (1) Sections 2 and 3 of this 2021 Act become operative**  
23 **on September 15, 2021.**

24 **“(2) The Oregon Criminal Justice Commission may take any action**  
25 **before the operative date specified in subsection (1) of this section to**  
26 **enable the commission, on and after the operative date specified in**  
27 **subsection (1) of this section, to exercise all the duties, functions and**  
28 **powers conferred on the commission by sections 2 and 3 of this 2021**  
29 **Act.**

30 **“SECTION 9. This 2021 Act being necessary for the immediate**

1 **preservation of the public peace, health and safety, an emergency is**  
2 **declared to exist, and this 2021 Act takes effect on its passage.”.**

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