



1500 SW First Ave, Suite 400
Portland, OR 97201

Open-Oregon.com
OpenOregondotcom@gmail.com

March 30, 2021

To: Chair Rep. Barbara Smith Warner, House Committee on Rules

Re: [HB 2478](#) – Indefinite attorney-client privilege exemption – Oppose

Thank you for your work for the public on government transparency issues.

Since 1997, members of the public and government officials have cooperatively led Open Oregon, a member of the National Freedom of Information Coalition, which advocates for the people's access to their government's open meetings and open records. As you may know, transparency in government is one of the most universally popular issues among Oregonians.

Oregon's 25-year sunset on the attorney-client privilege exemption is a recognition that government business is for the ultimate benefit of the public at-large.

Public bodies and those working in the public interest are unique clients. The work they do has the expectation of being in the public interest. No public client should expect to keep hidden forever the details of matters in the public interest.

Maintaining this privilege indefinitely will mean that many records — even those without privileged information — will need expensive attorney review in order to release. This will have a chilling effect on the public's ability to learn about the workings of its government — even many decades after the fact.

The dawn of the information age, approximately 25 years ago, means that very soon the volume of emails and other digital information that will need to be reviewed for this potential privilege will soon overwhelm archivists and transparency advocates.

Maintaining the 25-year sunset is the best of both worlds. Government officials receive privilege for the pertinent duration of the activity and the public at large maintains their right to know.

Thank you for providing the opportunity for public debate on this proposal. This is a complicated issue that deserves greater study and discussion due to its potential for unforeseen consequences.



Shasta Kearns Moore
President, Open Oregon
A National Freedom of Information Coalition chapter

cc: Open Oregon Board
Therese Bottomly, Treasurer
Tim Gleason
Emily Harris
Mary Beth Herkert
Lisa Phipps
Norman Turrill
John Schrag
Kateri Walsh
Nick Christensen
Justin Mitzimberg
Tim Trainor