



February 11, 2021

Chair Smith Warner, Members of the Committee,

Thank you for the opportunity to testify today in support of HB 2485 on behalf of the Greater Oregon Society of Professional Journalists.

This bill is modeled after a policy employed by the Legislature's own lawyers to save time and money while complying with Oregon Public Records Law.

We believe it's a good -government measure that promotes efficiency as well as collaboration between government and requesters, and builds public trust.

Currently, the law allows government to cover 100 percent of its expenses in providing public records to an individual requester. This allows agencies to dismiss the fact that an informed populace is crucial to our form of government, and that public transparency serves to deter waste, malfeasance and corruption. (This video shows how public records recouped funding for the state and led to two corruption convictions: <https://tinyurl.com/3f38u1zg>)

To be blunt, excessive fees, such as employing outside law firms at \$350 an hour to review even innocuous records, are sometimes used to obstruct Oregonians' rightful access to information about their government, contrary to the Legislature's intent.

Even when there is no intent to obstruct, public servants charged with handling records requests often do not feel authorized or encouraged to engage with members of the public in the public interest. As a result, public records are not released in the most efficient and least expensive manner possible.

Some public servants, in the city of Portland and around the state, simply refuse to answer basic questions or offer constructive advice in the public interest to make requests less burdensome for government.

What this bill does is give public servants a new tool and clear direction on a better way. It encourages them to work as the Oregon Legislature's Legislative Counsel's office does with members of the media: use sliding scale of fee waivers to incentivize the public to narrow their requests and work collaboratively to make those requests less burdensome, costly and time-consuming.

In addition to saving time and money, this system promotes collaborative relationships and builds public trust. This is all the more crucial considering that records requests are increasingly handled in Oregon through impersonal records portals and unsigned emails, fueling grievances, distrust and litigation.

Our members are reporters around the state who believe Oregonians' records law provides crucial information to the public about their government, just as past Legislatures have intended. We appreciate the work that lawmakers have done in recent years to address problems in the law, and we believe that today this problem of high fees and public servants who feel constrained in helping the public is the most glaring issue that lawmakers could address this year.

Thank you for considering this testimony, I'll be happy to answer any questions.

-Nick Budnick, Co-chair, Freedom of Information Committee, Greater Oregon SPJ