

Office of the Public Records Advocate

	2019-21 Actual	2021-23 Legislatively Adopted	2021-23 Legislatively Approved *	2023-25 Current Service Level	2023-25 Governor's Budget
Other Funds	543,061	596,548	716,805	726,435	895,407
Total Funds	543,061	596,548	716,805	726,435	895,407
Positions	2	2	2	2	2
FTE	2.00	2.00	2.00	2.00	2.00

* Includes Emergency Board and administrative actions through December 2022.

2019-21 and 2021-23 budget was included as part of the Department of Administrative Services budget.

Program Description

The mission of the Office of the Public Records Advocate (OPRA) is to promote government transparency by providing education and training to public employees and members of the public on the requirements of, and best practices under, the Oregon public records law. The Office of the Public Records Advocate was created by SB 106 (2017). The Office is responsible for providing (1) dispute resolution services at the request of local and state government bodies or public records requesters; (2) training on public records laws and best practices; (3) guidance and advice on public records law, upon request. Since the Office began its operations on April 25, 2018, it has successfully completed more than 850 individual requests for assistance regarding public records disputes, and trained thousands of public employees, as well as members of the media and public, in groups ranging from 6 to 200 individuals. OPRA also supports the Public Records Advisory Council (PRAC). The Council consists of bipartisan public records experts representing state and local governments, the media, the public, and public sector workforce. The Council is charged with examining, vetting, and proposing reforms to law, policy, and practice to enhance fairness, efficiency, and transparency for both requester and custodians of public records. The Public Records Advocate is appointed by the Council.

When it was first established, the budget for OPRA was included in the Department of Administrative Services (DAS) budget. The cost for OPRA was paid for with Other Funds through assessments. SB 500 (2021) required OPRA to be an independent office within the executive department, separate and distinct from any other state agency. Since its inception in 2019, the Office has consisted of two positions (2.00 FTE): a Public Records Advocate and a Deputy Public Records Advocate. The 2023-2025 biennium budget is the first time the Office submits a budget request as a stand-alone agency.

CSL Summary

The 2023-25 current service level budget (CSL) is \$726,435 Other Funds, 2 positions (2.00 FTE). The CSL is \$9,630 (or 1.3%) more than the 2021-23 legislatively approved level of \$716,805. The CSL includes adjustments for payroll expenses and inflation.

Policy Issues

SB 510, currently assigned to the Senate Committee on Rules, codifies a method of funding for OPRA. The measure directs the Office of the Public Records Advocate to estimate the agency's expenses for the upcoming biennium on or before January 1 preceding the start of the biennium. The Advocate is to submit this estimate to the Department of Administrative Services (DAS) and the Legislative Fiscal Office (LFO) as part of the biennial budget development process.

Since the end of 2019, the Office has experienced inconsistent staffing and personnel turnover. From 2020-2022, the Office has usually been staffed by a single person, the Public Records Advocate. The insufficient staffing coupled with a steady increase in requests for assistance as the Office gained greater notoriety has resulted in a backlog of requests for dispute assistance as well as requests for in-person or remote trainings. Since May 2022, the Office has added a Deputy Public Records Advocate. However, the Office expects annual increases in requests for assistance. Furthermore, the Office expects the nature of requests to become more complicated as public awareness of the Office and its services increases. The Office anticipates needing additional staffing to address these requests in a competent and timely manner.

Governor's Budget Summary

The 2023-25 Governor's Budget is \$895,407 Other Funds, 2 positions (2.00 FTE). The Governor's Budget is \$168,972 (or 23.3%) more than the 2021-23 current service level budget of \$726,435. The Governor's Budget includes increases for payroll expenses and services and supplies.

Key Performance Measures

As a newly independent agency, the Legislative Fiscal Office, DAS Chief Financial Office, and the agency will need to work together during the 2023 interim to develop key performance measures for the Office of the Public Records Advocate.