

House Bill 2315

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Judiciary for Judicial Department)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides that information relating to investigations conducted by Department of Public Safety Standards and Training may be withheld from public disclosure until investigation is completed, unless public interest requires disclosure.

Provides that exempt information provided to department in connection with investigation remains exempt while in possession of department, notwithstanding completion of investigation.

A BILL FOR AN ACT

1
2 Relating to records in possession of Department of Public Safety Standards and Training; creating
3 new provisions; and amending ORS 181.854 and 192.501.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 192.501, as amended by section 1, chapter 48, Oregon Laws 2008, is amended
6 to read:

7 192.501. The following public records are exempt from disclosure under ORS 192.410 to 192.505
8 unless the public interest requires disclosure in the particular instance:

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

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

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

26 (a) The arrested person's name, age, residence, employment, marital status and similar bi-
27 ographical information;

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

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (d) The identity of and biographical information concerning both complaining party and victim;
 2 (e) The identity of the investigating and arresting agency and the length of the investigation;
 3 (f) The circumstances of arrest, including time, place, resistance, pursuit and weapons used; and
 4 (g) Such information as may be necessary to enlist public assistance in apprehending fugitives
 5 from justice.

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

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

20 (6) Information relating to the appraisal of real estate prior to its acquisition.

21 (7) The names and signatures of employees who sign authorization cards or petitions for the
 22 purpose of requesting representation or decertification elections.

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

26 (9) Investigatory information relating to any complaint or charge filed under ORS 243.676 and
 27 663.180.

28 (10) Records, reports and other information received or compiled by the Director of the De-
 29 partment of Consumer and Business Services under ORS 697.732.

30 (11) Information concerning the location of archaeological sites or objects as those terms are
 31 defined in ORS 358.905, except if the governing body of an Indian tribe requests the information and
 32 the need for the information is related to that Indian tribe's cultural or religious activities. This
 33 exemption does not include information relating to a site that is all or part of an existing, commonly
 34 known and publicized tourist facility or attraction.

35 (12) A personnel discipline action, or materials or documents supporting that action.

36 (13) Information developed pursuant to ORS 496.004, 496.172 and 498.026 or ORS 496.192 and
 37 564.100, regarding the habitat, location or population of any threatened species or endangered spe-
 38 cies.

39 (14) Writings prepared by or under the direction of faculty of public educational institutions, in
 40 connection with research, until publicly released, copyrighted or patented.

41 (15) Computer programs developed or purchased by or for any public body for its own use. As
 42 used in this subsection, "computer program" means a series of instructions or statements which
 43 permit the functioning of a computer system in a manner designed to provide storage, retrieval and
 44 manipulation of data from such computer system, and any associated documentation and source
 45 material that explain how to operate the computer program. "Computer program" does not include:

- 1 (a) The original data, including but not limited to numbers, text, voice, graphics and images;
2 (b) Analyses, compilations and other manipulated forms of the original data produced by use of
3 the program; or
4 (c) The mathematical and statistical formulas which would be used if the manipulated forms of
5 the original data were to be produced manually.
- 6 (16) Data and information provided by participants to mediation under ORS 36.256.
- 7 (17) Investigatory information relating to any complaint or charge filed under ORS chapter 654,
8 until a final administrative determination is made or, if a citation is issued, until an employer re-
9 ceives notice of any citation.
- 10 (18) Specific operational plans in connection with an anticipated threat to individual or public
11 safety for deployment and use of personnel and equipment, prepared or used by a public body, if
12 public disclosure of the plans would endanger an individual's life or physical safety or jeopardize a
13 law enforcement activity.
- 14 (19)(a) Audits or audit reports required of a telecommunications carrier. As used in this para-
15 graph, "audit or audit report" means any external or internal audit or audit report pertaining to a
16 telecommunications carrier, as defined in ORS 133.721, or pertaining to a corporation having an af-
17 filiated interest, as defined in ORS 759.390, with a telecommunications carrier that is intended to
18 make the operations of the entity more efficient, accurate or compliant with applicable rules, pro-
19 cedures or standards, that may include self-criticism and that has been filed by the telecommuni-
20 cations carrier or affiliate under compulsion of state law. "Audit or audit report" does not mean an
21 audit of a cost study that would be discoverable in a contested case proceeding and that is not
22 subject to a protective order; and
- 23 (b) Financial statements. As used in this paragraph, "financial statement" means a financial
24 statement of a nonregulated corporation having an affiliated interest, as defined in ORS 759.390,
25 with a telecommunications carrier, as defined in ORS 133.721.
- 26 (20) The residence address of an elector if authorized under ORS 247.965 and subject to ORS
27 247.967.
- 28 (21) The following records, communications and information submitted to a housing authority
29 as defined in ORS 456.005, or to an urban renewal agency as defined in ORS 457.010, by applicants
30 for and recipients of loans, grants and tax credits:
- 31 (a) Personal and corporate financial statements and information, including tax returns;
32 (b) Credit reports;
33 (c) Project appraisals;
34 (d) Market studies and analyses;
35 (e) Articles of incorporation, partnership agreements and operating agreements;
36 (f) Commitment letters;
37 (g) Project pro forma statements;
38 (h) Project cost certifications and cost data;
39 (i) Audits;
40 (j) Project tenant correspondence requested to be confidential;
41 (k) Tenant files relating to certification; and
42 (L) Housing assistance payment requests.
- 43 (22) Records or information that, if disclosed, would allow a person to:
44 (a) Gain unauthorized access to buildings or other property;
45 (b) Identify those areas of structural or operational vulnerability that would permit unlawful

1 disruption to, or interference with, services; or

2 (c) Disrupt, interfere with or gain unauthorized access to public funds or to information pro-
 3 cessing, communication or telecommunication systems, including the information contained in the
 4 systems, that are used or operated by a public body.

5 (23) Records or information that would reveal or otherwise identify security measures, or
 6 weaknesses or potential weaknesses in security measures, taken or recommended to be taken to
 7 protect:

8 (a) An individual;

9 (b) Buildings or other property;

10 (c) Information processing, communication or telecommunication systems, including the infor-
 11 mation contained in the systems; or

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

14 (24) Personal information held by or under the direction of officials of the Oregon Health and
 15 Science University or the Oregon University System about a person who has or who is interested
 16 in donating money or property to the university, the system or a state institution of higher educa-
 17 tion, if the information is related to the family of the person, personal assets of the person or is
 18 incidental information not related to the donation.

19 (25) The home address, professional address and telephone number of a person who has or who
 20 is interested in donating money or property to the Oregon University System.

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

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

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

29 (29) The electronic mail address of a student who attends a state institution of higher education
 30 listed in ORS 352.002 or Oregon Health and Science University.

31 (30) The name, home address, professional address or location of a person that is engaged in,
 32 or that provides goods or services for, medical research at Oregon Health and Science University
 33 that is conducted using animals other than rodents. This subsection does not apply to Oregon Health
 34 and Science University press releases, websites or other publications circulated to the general pub-
 35 lic.

36 (31)(a) If requested by a public safety officer, as defined in ORS 181.610, by a district attorney,
 37 by a deputy district attorney or by an assistant attorney general designated by the Attorney Gen-
 38 eral, the home address and home telephone number of the public safety officer or attorney contained
 39 in the voter registration records for the public safety officer or attorney.

40 (b) If requested by a public safety officer, as defined in ORS 181.610, the home address and home
 41 telephone number of the public safety officer contained in records of the Department of Public
 42 Safety Standards and Training.

43 (32) If requested by a public safety officer, as defined in ORS 181.610, by a district attorney, by
 44 a deputy district attorney or by an assistant attorney general designated by the Attorney General,
 45 the name of the public safety officer or attorney contained in county real property assessment or

1 taxation records. This exemption:

2 (a) Applies only to the name of the public safety officer or attorney and any other owner of the
 3 property in connection with a specific property identified by the officer or attorney in a request for
 4 exemption from disclosure;

5 (b) Applies only to records that may be made immediately available to the public upon request
 6 in person, by telephone or using the Internet;

7 (c) Applies until the public safety officer or attorney requests termination of the exemption;

8 (d) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for
 9 governmental purposes; and

10 (e) May not result in liability for a county if the name of a public safety officer or attorney is
 11 disclosed after a request for exemption from disclosure is made under this subsection.

12 (33) Land management plans required for voluntary stewardship agreements entered into under
 13 ORS 541.423.

14 **(34) Records of the Department of Public Safety Standards and Training relating to in-**
 15 **vestigations conducted under ORS 181.662 or 181.878 (6), until the investigation is complete**
 16 **and the department has issued a final report.**

17 **SECTION 2.** ORS 192.501, as amended by section 3, chapter 455, Oregon Laws 2005, section 7,
 18 chapter 608, Oregon Laws 2007, section 2, chapter 687, Oregon Laws 2007, and section 2, chapter
 19 48, Oregon Laws 2008, is amended to read:

20 192.501. The following public records are exempt from disclosure under ORS 192.410 to 192.505
 21 unless the public interest requires disclosure in the particular instance:

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

27 (2) Trade secrets. "Trade secrets," as used in this section, may include, but are not limited to,
 28 any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or
 29 compilation of information which is not patented, which is known only to certain individuals within
 30 an organization and which is used in a business it conducts, having actual or potential commercial
 31 value, and which gives its user an opportunity to obtain a business advantage over competitors who
 32 do not know or use it.

33 (3) Investigatory information compiled for criminal law purposes. The record of an arrest or the
 34 report of a crime shall be disclosed unless and only for so long as there is a clear need to delay
 35 disclosure in the course of a specific investigation, including the need to protect the complaining
 36 party or the victim. Nothing in this subsection shall limit any right constitutionally guaranteed, or
 37 granted by statute, to disclosure or discovery in criminal cases. For purposes of this subsection, the
 38 record of an arrest or the report of a crime includes, but is not limited to:

39 (a) The arrested person's name, age, residence, employment, marital status and similar bi-
 40 ographical information;

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

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

43 (d) The identity of and biographical information concerning both complaining party and victim;

44 (e) The identity of the investigating and arresting agency and the length of the investigation;

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

1 (g) Such information as may be necessary to enlist public assistance in apprehending fugitives
 2 from justice.

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

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

17 (6) Information relating to the appraisal of real estate prior to its acquisition.

18 (7) The names and signatures of employees who sign authorization cards or petitions for the
 19 purpose of requesting representation or decertification elections.

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

23 (9) Investigatory information relating to any complaint or charge filed under ORS 243.676 and
 24 663.180.

25 (10) Records, reports and other information received or compiled by the Director of the De-
 26 partment of Consumer and Business Services under ORS 697.732.

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

32 (12) A personnel discipline action, or materials or documents supporting that action.

33 (13) Information developed pursuant to ORS 496.004, 496.172 and 498.026 or ORS 496.192 and
 34 564.100, regarding the habitat, location or population of any threatened species or endangered spe-
 35 cies.

36 (14) Writings prepared by or under the direction of faculty of public educational institutions, in
 37 connection with research, until publicly released, copyrighted or patented.

38 (15) Computer programs developed or purchased by or for any public body for its own use. As
 39 used in this subsection, "computer program" means a series of instructions or statements which
 40 permit the functioning of a computer system in a manner designed to provide storage, retrieval and
 41 manipulation of data from such computer system, and any associated documentation and source
 42 material that explain how to operate the computer program. "Computer program" does not include:

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

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

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

3 (16) Data and information provided by participants to mediation under ORS 36.256.

4 (17) Investigatory information relating to any complaint or charge filed under ORS chapter 654,
 5 until a final administrative determination is made or, if a citation is issued, until an employer re-
 6 ceives notice of any citation.

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

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

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

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

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

28 (a) Personal and corporate financial statements and information, including tax returns;

29 (b) Credit reports;

30 (c) Project appraisals;

31 (d) Market studies and analyses;

32 (e) Articles of incorporation, partnership agreements and operating agreements;

33 (f) Commitment letters;

34 (g) Project pro forma statements;

35 (h) Project cost certifications and cost data;

36 (i) Audits;

37 (j) Project tenant correspondence requested to be confidential;

38 (k) Tenant files relating to certification; and

39 (L) Housing assistance payment requests.

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

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

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

44 (c) Disrupt, interfere with or gain unauthorized access to public funds or to information pro-
 45 cessing, communication or telecommunication systems, including the information contained in the

1 systems, that are used or operated by a public body.

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

5 (a) An individual;

6 (b) Buildings or other property;

7 (c) Information processing, communication or telecommunication systems, including the infor-
 8 mation contained in the systems; or

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

11 (24) Personal information held by or under the direction of officials of the Oregon Health and
 12 Science University or the Oregon University System about a person who has or who is interested
 13 in donating money or property to the university, the system or a state institution of higher educa-
 14 tion, if the information is related to the family of the person, personal assets of the person or is
 15 incidental information not related to the donation.

16 (25) The home address, professional address and telephone number of a person who has or who
 17 is interested in donating money or property to the Oregon University System.

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

21 (27) Information provided to, obtained by or used by a public body to authorize, originate, re-
 22 ceive or authenticate a transfer of funds, including but not limited to a credit card number, payment
 23 card expiration date, password, financial institution account number and financial institution routing
 24 number.

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

26 (29) The electronic mail address of a student who attends a state institution of higher education
 27 listed in ORS 352.002 or Oregon Health and Science University.

28 (30)(a) If requested by a public safety officer, as defined in ORS 181.610, by a district attorney,
 29 by a deputy district attorney or by an assistant attorney general designated by the Attorney Gen-
 30 eral, the home address and home telephone number of the public safety officer or attorney contained
 31 in the voter registration records for the public safety officer or attorney.

32 (b) If requested by a public safety officer, as defined in ORS 181.610, the home address and home
 33 telephone number of the public safety officer contained in records of the Department of Public
 34 Safety Standards and Training.

35 (31) If requested by a public safety officer, as defined in ORS 181.610, by a district attorney, by
 36 a deputy district attorney or by an assistant attorney general designated by the Attorney General,
 37 the name of the public safety officer or attorney contained in county real property assessment or
 38 taxation records. This exemption:

39 (a) Applies only to the name of the public safety officer or attorney and any other owner of the
 40 property in connection with a specific property identified by the officer or attorney in a request for
 41 exemption from disclosure;

42 (b) Applies only to records that may be made immediately available to the public upon request
 43 in person, by telephone or using the Internet;

44 (c) Applies until the public safety officer or attorney requests termination of the exemption;

45 (d) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for

1 governmental purposes; and

2 (e) May not result in liability for a county if the name of a public safety officer or attorney is
 3 disclosed after a request for exemption from disclosure is made under this subsection.

4 (32) Land management plans required for voluntary stewardship agreements entered into under
 5 ORS 541.423.

6 **(33) Records of the Department of Public Safety Standards and Training relating to in-**
 7 **vestigations conducted under ORS 181.662 or 181.878 (6), until the investigation is complete**
 8 **and the department has issued a final report.**

9 **SECTION 3.** ORS 181.854 is amended to read:

10 181.854. (1) As used in this section:

11 (a) "Public body" has the meaning given that term in ORS 192.410.

12 (b) "Public safety employee" means a certified reserve officer, corrections officer, parole and
 13 probation officer, police officer or youth correction officer as those terms are defined in ORS
 14 181.610.

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

18 (3) A public body may not disclose information about a personnel investigation of a public safety
 19 employee of the public body if the investigation does not result in discipline of the employee.

20 (4) Subsection (3) of this section does not apply:

21 (a) When the public interest requires disclosure of the information.

22 (b) When the employee consents to disclosure in writing.

23 (c) When disclosure is necessary for an investigation by the public body, the Department of
 24 Public Safety Standards and Training or a citizen review body designated by the public body.

25 (d) When the public body determines that nondisclosure of the information would adversely af-
 26 fect the confidence of the public in the public body.

27 (5) If an investigation of a public safety employee of a public body results from a complaint, the
 28 public body may disclose to the complainant the disposition of the complaint and, to the extent the
 29 public body considers necessary to explain the action of the public body on the complaint, a written
 30 summary of information obtained in the investigation.

31 (6) A public body must notify a public safety employee of the public body if the public body re-
 32 ceives a request for:

33 (a) A photograph of the employee.

34 (b) Information about the employee that is exempt from disclosure under ORS 192.501 or 192.502
 35 (2) or (3).

36 (c) Information about the employee that is prohibited from disclosure by subsection (3) of this
 37 section.

38 **(7) Records furnished to the Department of Public Safety Standards and Training by a**
 39 **public body in connection with an investigation under ORS 181.662 or 181.878 (6) that are**
 40 **exempt from disclosure under this section or ORS 192.410 to 192.505 retain the exemption**
 41 **while in the possession of the department, notwithstanding that the investigation is complete**
 42 **and the department has issued a final report.**

43 **SECTION 4.** The amendments to ORS 181.854 and 192.501 by sections 1 to 3 of this 2009
 44 Act apply to records in the possession of the Department of Public Safety Standards and
 45 Training on or after the effective date of this 2009 Act.

