



*The League of Women Voters of Oregon is a 99-year-old grassroots nonpartisan political organization that encourages informed and active participation in government. We envision informed Oregonians participating in a fully accessible, responsive, and transparent government to achieve the common good. LWVOR Legislative Action is based on advocacy positions formed through studies and member consensus. The League never supports or opposes any candidate or political party.*

March 12, 2019

To: [House Committee on Judiciary](#)  
Representative Jennifer Williamson, Chair  
Representative Chris Gorsek, Vice-chair

Re: [HB 2353](#) – Penalties for undue delays in fulfilling public records requests – **Support**

Public trust in government at all levels is dependent upon transparency and open access to government agency information that our public records laws provide. The League of Women Voters strongly believes in the public's right to know and to obtain access to these records in a timely fashion.

The League supports HB 2353, which requires penalties for Oregon's state agencies when there are undue delays or they fail to respond to public records requests. In 2017, ORS Chapter 456, Sect. 4 (1) (effective January 1, 2018) was amended to require that "a public body shall complete its response to a written public request...as soon as practicable and without unreasonable delay." The law requires a response within 5 business days and spelled out the timeframe to fulfill the request in Sect. 4 (5): "As soon as reasonably possible but not later than 10 business days after the date by which a public body is required to acknowledge receipt of the request."

Despite this law, members of the press and others who have testified recently before the Sunshine Committee, report that public agencies still fail to provide records or even respond to legal public records requests. Whether this is due to an agency's lack of awareness of its legal obligations, lack of training, staffing issues, or simply an unwillingness to disclose the information requested, there should be consequences for failure to comply. The penalty of a fine, the amount yet to be determined, is a good way to ensure compliance. The law already allows for a busy or understaffed agency to delay a request, so long as an estimated date is given to the requester as to when the records will become available. Yet some agencies still fail to provide a response at all.

Our democracy depends on accurate and timely reporting to assure our government and its officials are held accountable. We depend on the research and analysis that timely access to public records provides. The many (nearly 600) exemptions to disclosure in current law is surely a problem for agencies. This problem is in the process of being addressed by the public records committees. Better education of these exemptions is needed by all state agencies and the public, but there should be no roadblocks to legal public access to information. HB 2353 will encourage compliance by applying a penalty for non-compliance.

Thank you for the opportunity to discuss this legislation.

Handwritten signature of Norman Turrill in black ink.

Norman Turrill  
LWVOR President

Handwritten signature of Josephine S. Koehne in black ink.

Josephine Koehne  
LWVOR Transparency, Public Records Portfolio