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NFOIC urges independence for Oregon's Public Records Advocate

Submitted by kryan on Fri, 09/13/2019 - 8:16am

For Immediate Release (09/12/2019)

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Open, accessible and accountable government with freedom to public information without interference from governing bodies — or elected officials — is essential to our democratic republic.

But that fundamental value may be at stake in Oregon, where the newly appointed Office of the Public Records Advocate under the Oregon Public Records Advisory Council, Ginger McCall, [resigned under duress this week](https://www.wweek.com/news/2019/09/09/oregons-public-records-czar-abruptly-resigns-after-just-18-months-on-the-job/) (<https://www.wweek.com/news/2019/09/09/oregons-public-records-czar-abruptly-resigns-after-just-18-months-on-the-job/>), claiming pressure and interference from Governor Kate Brown's senior staff.

What is happening in Oregon is particularly alarming. A handful of states have offices of "open government," intended to act as mediators of public record disputes. These government agencies are diverse in the services they provide and the powers they possess. Many are established to operate as independent bodies unobstructed by the executive branch and legislature. We're now seeing in Oregon that the wall may only exist in the enabling legislation — not in practice.



McCall

Oregon's legislation to create McCall's office was largely modeled after Connecticut legislation that created the Connecticut Freedom of Information Commission. In Connecticut, the FOI Commission is housed within the executive branch, but not under the office of the executive (governor). Its director reports to the commission's board of directors to avoid conflict and interference and to keep it an independent agency. But Oregon deviated from the Connecticut model in the placement of its open government office. Instead, it is under the office of the governor with oversight from her and from her staff, creating an environment for possible political, personal and legal conflict — diminishing its ability to ensure transparency and accountability.

The [National Freedom of Information Coalition](http://www.nfoic.org/) (<http://www.nfoic.org/>), a national network of state open government groups, believes these offices for open government ombudspersons are critically important for ensuring accountability and responsive practices in state and local governments. Yet their effectiveness as transparency advocates relies on their ability to remain

independent and without interference from the public agencies and the public officials they work alongside.

In light of these developments, will leaders in Oregon make the Office of Public Records Advocate truly independent, enabling unfettered mediation of public records disputes, or will they choose secrecy and politicization of transparency? That's yet to be seen. But we're watching.

Daniel Bevarly is executive director of the National Freedom of Information Coalition, a national nonprofit, nonpartisan organization representing 35 states and the District of Columbia. NFOIC promotes press freedom, litigation and legislative reforms to ensure openness and transparency in state and local government. NFOIC is located at the University of Florida College of Journalism and Communications (<https://www.jou.ufl.edu/>).



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