

Requested by Representative WILDE

**PROPOSED AMENDMENTS TO
HOUSE BILL 3145**

1 On page 1 of the printed bill, delete lines 5 through 26 and delete pages
2 2 through 19 and insert:

3 **“SECTION 1. Sections 2 to 4 of this 2021 Act are added to and made
4 a part of ORS 181A.355 to 181A.670.**

5 **“SECTION 2. As used sections 2 to 4 of this 2021 Act:**

6 **“(1) ‘Disciplinary action’ means a corrective or punitive action im-
7 posed by a law enforcement unit following an investigation into a po-
8 lice officer’s or certified reserve officer’s alleged misconduct, other
9 than a technical infraction, that deprives the officer of pay, rank, ac-
10 crued time or other pecuniary benefits or results in an internal de-
11 partmental reassignment or administrative leave.**

12 **“(2) ‘Disciplinary proceeding’ means the commencement of any in-
13 vestigation and any subsequent hearing or other proceeding conducted
14 by a state or local law enforcement unit, the Department of Public
15 Safety Standards and Training, a citizen review body or any other
16 entity tasked with evaluating a complaint or charge against a police
17 officer or certified reserve officer.**

18 **“(3) ‘Disciplinary records’ means all records created in furtherance
19 of a disciplinary proceeding conducted by a state or local law
20 enforcement unit, the department, a citizen review body or any other
21 entity tasked with evaluating a complaint or charge against a police**

1 **officer or certified reserve officer, other than a complaint or charge**
2 **based on a technical infraction, including, but not limited to:**

3 **“(a) The complaints, allegations and charges against an officer;**

4 **“(b) The name of the officer complained of or charged;**

5 **“(c) All records, documents and files, in whatever form, related to**
6 **the investigation, adjudication and disposition of the complaint or**
7 **charge, that are not redacted under section 4 (7) of this 2021 Act;**

8 **“(d) The transcript of any disciplinary proceeding, including any**
9 **exhibits introduced at the proceeding;**

10 **“(e) Any finding by a state or local law enforcement unit, the de-**
11 **partment, a citizen review body or any other entity tasked with eval-**
12 **uating a complaint or charge against a police officer or certified**
13 **reserve officer during a disciplinary proceeding; and**

14 **“(f) Any final written opinion or memorandum supporting either**
15 **the disposition and disciplinary action imposed, or the decision not to**
16 **impose disciplinary action, including the complete factual findings,**
17 **analysis of the conduct and appropriate discipline of the officer and**
18 **data documenting the basis of the disciplinary action or lack of disci-**
19 **plinary action, that is not redacted under section 4 (7) of this 2021 Act.**

20 **“(4) ‘Law enforcement unit’ does not include a tribal government.**

21 **“(5) ‘Technical infraction’ means a minor rule violation by a police**
22 **officer or certified reserve officer, solely related to the enforcement**
23 **of administrative departmental rules that:**

24 **“(a) Does not involve interactions with members of the public;**

25 **“(b) Is not otherwise connected to the officer’s investigative,**
26 **enforcement, training, supervision or reporting responsibilities; and**

27 **“(c) Does not involve deception, misrepresentation, dishonesty or**
28 **intemperate behavior by the officer.**

29 **“SECTION 3. (1) The Department of Public Safety Standards and**
30 **Training shall establish a statewide online database that includes but**

1 need not be limited to:

2 “(a) Complaints, allegations and charges relating to police officers
3 and certified reserve officers, including complaints, allegations and
4 charges of the use of excessive force, regardless of whether the com-
5 plaint, allegation or charge resulted in a disciplinary proceeding;

6 “(b) The existence, status and findings of any disciplinary proceed-
7 ing;

8 “(c) The existence, status and findings of any certification action
9 taken by the department that relates to disciplinary proceedings
10 against a police officer or certified reserve officer;

11 “(d) The existence and status of any state or federal criminal
12 charges against a police officer or certified reserve officer;

13 “(e) The existence and status of any civil proceedings against a po-
14 lice officer or certified reserve officer related to conduct under color
15 of law;

16 “(f) The existence of any judicial finding or determination by the
17 Department of Justice or a prosecutor that a police officer or certified
18 reserve officer engaged in an act of deception, dishonesty or misrep-
19 resentation or used excessive force; and

20 “(g) Upon completion of an investigation of a complaint, allegation
21 or charge against a police officer or certified reserve officer, or if a
22 police officer or certified reserve officer resigns or is terminated from
23 employment while the complaint, allegation or charge is pending, all
24 data relating to the investigation that is not redacted under section 4
25 (7) of this 2021 Act.

26 “(2) The department shall publish the information required under
27 subsection (4) of this section by prominently posting the information
28 on the department’s website for ease of public access within 10 days
29 after:

30 “(a) The department receives a report of a complaint, allegation or

1 **charge against a police officer or certified reserve officer under section**
2 **4 of this 2021 Act;**

3 **“(b) The department receives a report of the commencement of or**
4 **a finding in a disciplinary proceeding against a police officer or certi-**
5 **fied reserve officer under section 4 of this 2021 Act;**

6 **“(c) The department receives a report of a disciplinary action taken**
7 **against a police officer or certified reserve officer under section 4 of**
8 **this 2021 Act;**

9 **“(d) The department receives notice of the existence of criminal**
10 **charges against a police officer or certified reserve officer;**

11 **“(e) The department receives notice of the existence of civil charges**
12 **against a police officer or certified reserve officer related to conduct**
13 **under color of law;**

14 **“(f) The department receives notice from the Department of Justice**
15 **or a prosecutor of a judicial finding or a prosecutorial determination**
16 **that a police officer or certified reserve officer engaged in an act of**
17 **deception, dishonesty or misrepresentation or used excessive force;**

18 **“(g) The resignation or termination of a police officer or certified**
19 **reserve officer during an investigation or disciplinary or termination**
20 **proceeding; or**

21 **“(h) In the case of a suspension or revocation of certification under**
22 **ORS 181A.630, 181A.640 and 181A.650:**

23 **“(A) The time for filing an appeal of the decision of the Department**
24 **of Public Safety Standards and Training under ORS 181A.650 has**
25 **passed and no appeal has been filed; or**

26 **“(B) The decision of the department is appealed under ORS 181A.650**
27 **and the department’s decision has been sustained by the Court of Ap-**
28 **peals or the appeal has been dropped.**

29 **“(3)(a) Notwithstanding subsection (2) of this section, if the de-**
30 **partment receives notice of a disciplinary action that is subject to ar-**

1 **bitration before becoming final, the department shall make the report**
2 **accessible only to law enforcement units until the arbitration process**
3 **is complete and the disciplinary action becomes final.**

4 **“(b) Notwithstanding paragraph (a) of this subsection, the depart-**
5 **ment shall make a report available to the public before the arbitration**
6 **process is complete and the disciplinary action becomes final when the**
7 **department finds that it is in the public interest to disclose the report**
8 **or when the police officer or certified reserve officer is a witness in a**
9 **court proceeding related to the disciplinary action.**

10 **“(c) Within 10 days after the department receives notice under**
11 **section 4 of this 2021 Act that the arbitration process is complete and**
12 **the disciplinary action is final, the department shall publish the report**
13 **by prominently posting the information on the department’s website**
14 **for ease of public access.**

15 **“(4) When the department publishes information on the website**
16 **under subsection (2) of this section, the publication must include:**

17 **“(a) The name of the police officer or certified reserve officer;**

18 **“(b) The law enforcement unit at which the officer was employed;**

19 **“(c) A description of the facts underlying the complaint, allegation,**
20 **charge, disciplinary proceeding, judicial finding, prosecutorial deter-**
21 **mination, suspension, revocation, resignation or termination; and**

22 **“(d) All findings underlying the complaint, allegation, charge, dis-**
23 **ciplinary proceeding, judicial finding, prosecutorial determination,**
24 **suspension, revocation, resignation or termination.**

25 **“(5) No later than September 1 of each year, the department shall**
26 **submit a report to an appropriate committee of the Legislative As-**
27 **sembly summarizing and analyzing the data in the database. The re-**
28 **port must include, for the previous 12 months:**

29 **“(a) The number of reports of disciplinary action received by the**
30 **department under section 4 of this 2021 Act.**

1 “(b) Analysis of the types of complaints, allegations or charges that
2 were filed against police officers and certified reserve officers.

3 “(c) Analysis of the types of misconduct that resulted in discipli-
4 nary action.

5 “(d) Analysis of the types of discipline that were reversed in arbi-
6 tration.

7 “(6) The department shall retain all records entered into the data-
8 base for at least 30 years after the date of entry into the database.

9 “(7) A person may not destroy a record subject to this section before
10 the record is included in the database.

11 “(8)(a) If a police officer or certified reserve officer disagrees with
12 the accuracy of the contents of the database, the officer may request
13 that the department correct or remove the portion of the record be-
14 lieved to be incorrect. The request must be made in writing using a
15 form developed by the department and available on the department’s
16 publicly accessible website. The department shall provide the officer
17 with a written response to the request, including the reasons for cor-
18 rection or removal of a portion of the record or for the refusal to
19 correct or remove a portion of the record.

20 “(b) If the department and the officer cannot reach an agreement
21 on the contents of the record, the officer may submit a written state-
22 ment explaining the officer’s position and the basis for the disagree-
23 ment, and the department shall include the statement in the database.

24 “SECTION 4. (1) Within 10 days after a law enforcement unit re-
25 ceives a complaint or charge against a police officer or certified re-
26 serve officer, the law enforcement unit shall report the complaint or
27 charge to the Department of Public Safety Standards and Training.

28 “(2) Within 72 hours after a law enforcement unit is notified by a
29 police officer or certified reserve officer of the existence of federal or
30 state criminal charges against the officer, the law enforcement unit

1 shall notify the department.

2 “(3) Within 72 hours after a law enforcement unit is notified by a
3 police officer or certified reserve officer of the existence of civil pro-
4 ceedings against the officer related to conduct under color of law, the
5 law enforcement unit shall notify the department.

6 “(4) Within 10 days after a law enforcement unit makes a decision
7 to impose disciplinary action on a police officer or certified reserve
8 officer or a decision not to impose disciplinary action on a police offi-
9 cer or certified reserve officer, the law enforcement unit shall send a
10 report to the department. The report must include:

11 “(a) The name and rank of the officer;

12 “(b) A detailed explanation of the decision;

13 “(c) A detailed explanation of the consequences resulting from a
14 decision to impose disciplinary action;

15 “(d) A detailed explanation of the reason for the disciplinary action
16 or lack of disciplinary action; and

17 “(e) The current status of the disciplinary action and any related
18 arbitration proceedings.

19 “(5) Within 10 days after a judicial finding or a determination by
20 the Department of Justice or a prosecutor that a police officer or
21 certified reserve officer engaged in an act of deception, dishonesty or
22 misrepresentation or used excessive force, the Department of Justice
23 or the prosecutor shall send a report of the finding or determination
24 to the Department of Public Safety Standards and Training. The report
25 must include:

26 “(a) The name and rank of the officer; and

27 “(b) A detailed explanation of the finding or determination, includ-
28 ing complete factual findings and the basis for making the determi-
29 nation.

30 “(6) If a disciplinary action is subject to arbitration, the law

1 enforcement unit shall promptly notify the department of the outcome
2 when the arbitration process is complete.

3 “(7) A law enforcement unit shall redact from disciplinary records
4 the following information prior to disclosing records to the depart-
5 ment:

6 “(a) Items involving the medical history of a police officer or cer-
7 tified reserve officer, not including records obtained during the course
8 of a unit’s investigation of the officer’s misconduct that are relevant
9 to the disposition of the investigation.

10 “(b) The home addresses, personal telephone numbers, personal
11 cellular telephone numbers and personal electronic mail addresses of
12 a police officer or certified reserve officer or a family member of a
13 police officer or certified reserve officer, a complainant or any other
14 person named in a disciplinary record.

15 “(c) Social security numbers.

16 “(d) Records of the use of an employee assistance program, mental
17 health service or substance abuse assistance service by a police officer
18 or certified reserve officer, unless the use is mandated by a discipli-
19 nary proceeding that may otherwise be disclosed under this section.

20 **“SECTION 5. (1) Each law enforcement unit shall begin reporting**
21 **as required by section 4 of this 2021 Act as follows:**

22 “(a) A law enforcement unit that employs 100 or more police offi-
23 cers and certified reserve officers shall begin reporting no later than
24 July 1, 2021.

25 “(b) A law enforcement unit that employs at least 25 and not more
26 than 99 police officers and certified reserve officers shall begin re-
27 porting no later than July 1, 2022.

28 “(c) A law enforcement unit that employs between at least one and
29 not more than 24 police officers and certified reserve officers shall
30 begin reporting no later than July 1, 2023.

1 “(2) Each law enforcement unit that holds historical information
2 on active police officers and certified reserve officers that would have
3 been required to be reported under section 4 of this 2021 Act shall re-
4 port the historical information to the Department of Public Safety
5 Standards and Training annually in five-year increments, beginning
6 with most recent historical information, as follows:

7 “(a) A law enforcement unit that employs 100 or more police offi-
8 cers and certified reserve officers shall begin reporting five-year in-
9 crements of historical information no later than July 1, 2022.

10 “(b) A law enforcement unit that employs at least 25 and not more
11 than 99 police officers and certified reserve officers shall begin re-
12 porting five-year increments of historical information no later than
13 July 1, 2023.

14 “(c) A law enforcement unit that employs at least one and not more
15 than 24 police officers and certified reserve officers shall begin re-
16 porting five-year increments of historical information no later than
17 July 1, 2024.

18 “**SECTION 6.** ORS 162.305 is amended to read:

19 “162.305. (1)(a) A person commits the crime of tampering with public re-
20 cords if, without lawful authority, the person knowingly destroys, mutilates,
21 conceals, removes, makes a false entry in or falsely alters any public record,
22 **or knowingly directs another to destroy, mutilate, conceal, remove,**
23 **make a false entry in or falsely alter any public record,** including re-
24 cords relating to the Oregon State Lottery.

25 “[(2)(a)] (b) Except as provided in paragraph [(b)] (c) of this subsection,
26 tampering with public records is a Class A misdemeanor.

27 “[(b)] (c) Tampering with records relating to the Oregon State Lottery is
28 a Class C felony.

29 “(2)(a) A person commits the crime of recklessly tampering with
30 public records if, without lawful authority, the person recklessly de-

1 **stroys, mutilates, conceals, removes, makes a false entry in or falsely**
2 **alters any public record, or recklessly directs another to destroy,**
3 **mutilate, conceal, remove, make a false entry in or falsely alter any**
4 **public record, including records relating to the Oregon State Lottery.**

5 **“(b) Except as provided in paragraph (c) of this subsection,**
6 **recklessly tampering with public records is a Class C misdemeanor.**

7 **“(c) Recklessly tampering with public records relating to the**
8 **Oregon State Lottery is a Class A misdemeanor.**

9 **“SECTION 7.** ORS 181A.830, as amended by section 5, chapter 7, Oregon
10 Laws 2020 (first special session), is amended to read:

11 “181A.830. (1) As used in this section:

12 “(a) ‘Public body’ has the meaning given that term in ORS 192.311.

13 “(b) ‘Public safety employee’ means a certified reserve officer, corrections
14 officer, parole and probation officer, police officer or youth correction officer
15 as those terms are defined in ORS 181A.355.

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

20 “[*(3) A public body may not disclose information about a personnel inves-*
21 *tigation of a public safety employee of the public body if the investigation does*
22 *not result in discipline of the employee.*]

23 “[*(4) Subsection (3) of this section does not apply:*]

24 “[*(a) When the public interest requires disclosure of the information.*]

25 “[*(b) When the employee consents to disclosure in writing.*]

26 “[*(c) When disclosure is necessary for an investigation by the public body,*
27 *the Department of Public Safety Standards and Training or a citizen review*
28 *body designated by the public body.*]

29 “[*(d) To disclosures required under section 4, chapter 7, Oregon Laws 2020*
30 *(first special session).*]

1 “[e) When the public body determines that nondisclosure of the information
2 would adversely affect the confidence of the public in the public body.]

3 “[5) If an investigation of a public safety employee of a public body results
4 from a complaint, the public body may disclose to the complainant the dispo-
5 sition of the complaint and, to the extent the public body considers necessary
6 to explain the action of the public body on the complaint, a written summary
7 of information obtained in the investigation.]

8 “[6)] (3) A public body must notify a public safety employee of the public
9 body if the public body receives a request for:

10 “(a) A photograph of the employee.

11 “(b) Information about the employee that is exempt from disclosure under
12 ORS 192.345 or 192.355 (2) or (3).

13 “[c) Information about the employee that is prohibited from disclosure by
14 subsection (3) of this section.]

15 **“SECTION 8.** ORS 192.345 is amended to read:

16 “192.345. The following public records are exempt from disclosure under
17 ORS 192.311 to 192.478 unless the public interest requires disclosure in the
18 particular instance:

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

26 “(2) Trade secrets. ‘Trade secrets,’ as used in this section, may include,
27 but are not limited to, any formula, plan, pattern, process, tool, mechanism,
28 compound, procedure, production data, or compilation of information which
29 is not patented, which is known only to certain individuals within an or-
30 ganization and which is used in a business it conducts, having actual or

1 potential commercial value, and which gives its user an opportunity to ob-
2 tain a business advantage over competitors who do not know or use it.

3 “(3) Investigatory information compiled for criminal law purposes. The
4 record of an arrest or the report of a crime shall be disclosed unless and only
5 for so long as there is a clear need to delay disclosure in the course of a
6 specific investigation, including the need to protect the complaining party
7 or the victim. Nothing in this subsection shall limit any right constitu-
8 tionally guaranteed, or granted by statute, to disclosure or discovery in
9 criminal cases. For purposes of this subsection, the record of an arrest or the
10 report of a crime includes, but is not limited to:

11 “(a) The arrested person’s name, age, residence, employment, marital sta-
12 tus and similar biographical information;

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

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

15 “(d) The identity of and biographical information concerning both com-
16 plaining party and victim;

17 “(e) The identity of the investigating and arresting agency and the length
18 of the investigation;

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

21 “(g) Such information as may be necessary to enlist public assistance in
22 apprehending fugitives from justice.

23 “(4) Test questions, scoring keys, and other data used to administer a li-
24 censing examination, employment, academic or other examination or testing
25 procedure before the examination is given and if the examination is to be
26 used again. Records establishing procedures for and instructing persons ad-
27 ministering, grading or evaluating an examination or testing procedure are
28 included in this exemption, to the extent that disclosure would create a risk
29 that the result might be affected.

30 “(5) Information consisting of production records, sale or purchase records

1 or catch records, or similar business records of a private concern or enter-
2 prise, required by law to be submitted to or inspected by a governmental
3 body to allow it to determine fees or assessments payable or to establish
4 production quotas, and the amounts of such fees or assessments payable or
5 paid, to the extent that such information is in a form that would permit
6 identification of the individual concern or enterprise. This exemption does
7 not include records submitted by long term care facilities as defined in ORS
8 442.015 to the state for purposes of reimbursement of expenses or determining
9 fees for patient care. Nothing in this subsection shall limit the use that can
10 be made of such information for regulatory purposes or its admissibility in
11 any enforcement proceeding.

12 “(6) Information relating to the appraisal of real estate prior to its ac-
13 quisition.

14 “(7) The names and signatures of employees who sign authorization cards
15 or petitions for the purpose of requesting representation or decertification
16 elections.

17 “(8) Investigatory information relating to any complaint filed under ORS
18 659A.820 or 659A.825, until such time as the complaint is resolved under ORS
19 659A.835, or a final order is issued under ORS 659A.850.

20 “(9) Investigatory information relating to any complaint or charge filed
21 under ORS 243.676 and 663.180.

22 “(10) Records, reports and other information received or compiled by the
23 Director of the Department of Consumer and Business Services under ORS
24 697.732.

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

1 “(12) A personnel discipline action, or materials or documents supporting
2 that action, **except for disciplinary records as defined in section 2 of**
3 **this 2021 Act.**

4 “(13) Fish and wildlife information:

5 “(a) Developed pursuant to ORS 496.004, 496.172 and 498.026 or ORS
6 496.192 and 564.100, regarding the habitat, location or population of any
7 threatened species or endangered species; or

8 “(b) Described in section 2, chapter 532, Oregon Laws 2019.

9 “(14) Writings prepared by or under the direction of faculty of public ed-
10 ucational institutions, in connection with research, until publicly released,
11 copyrighted or patented.

12 “(15) Computer programs developed or purchased by or for any public
13 body for its own use. As used in this subsection, ‘computer program’ means
14 a series of instructions or statements which permit the functioning of a
15 computer system in a manner designed to provide storage, retrieval and ma-
16 nipulation of data from such computer system, and any associated documen-
17 tation and source material that explain how to operate the computer
18 program. ‘Computer program’ does not include:

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

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

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

25 “(16) Data and information provided by participants to mediation under
26 ORS 36.256.

27 “(17) Investigatory information relating to any complaint or charge filed
28 under ORS chapter 654, until a final administrative determination is made
29 or, if a citation is issued, until an employer receives notice of any citation.

30 “(18) Specific operational plans in connection with an anticipated threat

1 to individual or public safety for deployment and use of personnel and
2 equipment, prepared or used by a public body, if public disclosure of the
3 plans would endanger an individual's life or physical safety or jeopardize a
4 law enforcement activity.

5 “(19)(a) Audits or audit reports required of a telecommunications carrier.
6 As used in this paragraph, ‘audit or audit report’ means any external or
7 internal audit or audit report pertaining to a telecommunications carrier, as
8 defined in ORS 133.721, or pertaining to a corporation having an affiliated
9 interest, as defined in ORS 759.390, with a telecommunications carrier that
10 is intended to make the operations of the entity more efficient, accurate or
11 compliant with applicable rules, procedures or standards, that may include
12 self-criticism and that has been filed by the telecommunications carrier or
13 affiliate under compulsion of state law. ‘Audit or audit report’ does not mean
14 an audit of a cost study that would be discoverable in a contested case pro-
15 ceeding and that is not subject to a protective order; and

16 “(b) Financial statements. As used in this paragraph, ‘financial
17 statement’ means a financial statement of a nonregulated corporation having
18 an affiliated interest, as defined in ORS 759.390, with a telecommunications
19 carrier, as defined in ORS 133.721.

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

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

26 “(a) Personal and corporate financial statements and information, in-
27 cluding tax returns;

28 “(b) Credit reports;

29 “(c) Project appraisals, excluding appraisals obtained in the course of
30 transactions involving an interest in real estate that is acquired, leased,

1 rented, exchanged, transferred or otherwise disposed of as part of the project,
2 but only after the transactions have closed and are concluded;

3 “(d) Market studies and analyses;

4 “(e) Articles of incorporation, partnership agreements and operating
5 agreements;

6 “(f) Commitment letters;

7 “(g) Project pro forma statements;

8 “(h) Project cost certifications and cost data;

9 “(i) Audits;

10 “(j) Project tenant correspondence requested to be confidential;

11 “(k) Tenant files relating to certification; and

12 “(L) Housing assistance payment requests.

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

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

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

17 “(c) Disrupt, interfere with or gain unauthorized access to public funds
18 or to information processing, communication or telecommunication systems,
19 including the information contained in the systems, that are used or operated
20 by a public body.

21 “(23) Records or information that would reveal or otherwise identify se-
22 curity measures, or weaknesses or potential weaknesses in security measures,
23 taken or recommended to be taken to protect:

24 “(a) An individual;

25 “(b) Buildings or other property;

26 “(c) Information processing, communication or telecommunication sys-
27 tems, including the information contained in the systems; or

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

30 “(24) Personal information held by or under the direction of officials of

1 the Oregon Health and Science University or a public university listed in
2 ORS 352.002 about a person who has or who is interested in donating money
3 or property to the Oregon Health and Science University or a public uni-
4 versity, if the information is related to the family of the person, personal
5 assets of the person or is incidental information not related to the donation.

6 “(25) The home address, professional address and telephone number of a
7 person who has or who is interested in donating money or property to a
8 public university listed in ORS 352.002.

9 “(26) Records of the name and address of a person who files a report with
10 or pays an assessment to a commodity commission established under ORS
11 576.051 to 576.455, the Oregon Beef Council created under ORS 577.210 or the
12 Oregon Wheat Commission created under ORS 578.030.

13 “(27) Information provided to, obtained by or used by a public body to
14 authorize, originate, receive or authenticate a transfer of funds, including
15 but not limited to a credit card number, payment card expiration date,
16 password, financial institution account number and financial institution
17 routing number.

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

19 “(29) The electronic mail address of a student who attends a public uni-
20 versity listed in ORS 352.002 or Oregon Health and Science University.

21 “(30) The name, home address, professional address or location of a person
22 that is engaged in, or that provides goods or services for, medical research
23 at Oregon Health and Science University that is conducted using animals
24 other than rodents. This subsection does not apply to Oregon Health and
25 Science University press releases, websites or other publications circulated
26 to the general public.

27 “(31) If requested by a public safety officer, as defined in ORS 181A.355,
28 or a county juvenile department employee who is charged with and primarily
29 performs duties related to the custody, control or supervision of youth
30 offenders confined in a detention facility, as defined in ORS 419A.004:

1 “(a) The home address and home telephone number of the public safety
2 officer or county juvenile department employee contained in the voter reg-
3 istration records for the officer or employee.

4 “(b) The home address and home telephone number of the public safety
5 officer or county juvenile department employee contained in records of the
6 Department of Public Safety Standards and Training.

7 “(c) The name of the public safety officer or county juvenile department
8 employee contained in county real property assessment or taxation records.

9 This exemption:

10 “(A) Applies only to the name of the officer or employee and any other
11 owner of the property in connection with a specific property identified by the
12 officer or employee in a request for exemption from disclosure;

13 “(B) Applies only to records that may be made immediately available to
14 the public upon request in person, by telephone or using the Internet;

15 “(C) Applies until the officer or employee requests termination of the ex-
16 emption;

17 “(D) Does not apply to disclosure of records among public bodies as de-
18 fined in ORS 174.109 for governmental purposes; and

19 “(E) May not result in liability for the county if the name of the officer
20 or employee is disclosed after a request for exemption from disclosure is
21 made under this subsection.

22 “(32) Unless the public records request is made by a financial institution,
23 as defined in ORS 706.008, consumer finance company licensed under ORS
24 chapter 725, mortgage banker or mortgage broker licensed under ORS
25 86A.095 to 86A.198, or title company for business purposes, records described
26 in paragraph (a) of this subsection, if the exemption from disclosure of the
27 records is sought by an individual described in paragraph (b) of this sub-
28 section using the procedure described in paragraph (c) of this subsection:

29 “(a) The home address, home or cellular telephone number or personal
30 electronic mail address contained in the records of any public body that has

1 received the request that is set forth in:

2 “(A) A warranty deed, deed of trust, mortgage, lien, deed of reconveyance,
3 release, satisfaction, substitution of trustee, easement, dog license, marriage
4 license or military discharge record that is in the possession of the county
5 clerk; or

6 “(B) Any public record of a public body other than the county clerk.

7 “(b) The individual claiming the exemption from disclosure must be a
8 district attorney, a deputy district attorney, the Attorney General or an as-
9 sistant attorney general, the United States Attorney for the District of
10 Oregon or an assistant United States attorney for the District of Oregon, a
11 city attorney who engages in the prosecution of criminal matters or a deputy
12 city attorney who engages in the prosecution of criminal matters.

13 “(c) The individual claiming the exemption from disclosure must do so by
14 filing the claim in writing with the public body for which the exemption from
15 disclosure is being claimed on a form prescribed by the public body. Unless
16 the claim is filed with the county clerk, the claim form shall list the public
17 records in the possession of the public body to which the exemption applies.
18 The exemption applies until the individual claiming the exemption requests
19 termination of the exemption or ceases to qualify for the exemption.

20 “(33) The following voluntary conservation agreements and reports:

21 “(a) Land management plans required for voluntary stewardship agree-
22 ments entered into under ORS 541.973; and

23 “(b) Written agreements relating to the conservation of greater sage
24 grouse entered into voluntarily by owners or occupiers of land with a soil
25 and water conservation district under ORS 568.550.

26 “(34) Sensitive business records or financial or commercial information
27 of the State Accident Insurance Fund Corporation that is not customarily
28 provided to business competitors. This exemption does not:

29 “(a) Apply to the formulas for determining dividends to be paid to em-
30 ployers insured by the State Accident Insurance Fund Corporation;

1 “(b) Apply to contracts for advertising, public relations or lobbying ser-
2 vices or to documents related to the formation of such contracts;

3 “(c) Apply to group insurance contracts or to documents relating to the
4 formation of such contracts, except that employer account records shall re-
5 main exempt from disclosure as provided in ORS 192.355 (35); or

6 “(d) Provide the basis for opposing the discovery of documents in liti-
7 gation pursuant to the applicable rules of civil procedure.

8 “(35) Records of the Department of Public Safety Standards and Training
9 relating to investigations conducted under ORS 181A.640 or 181A.870 (6),
10 until the department issues the report described in ORS 181A.640 or 181A.870.

11 “(36) A medical examiner’s report, autopsy report or laboratory test report
12 ordered by a medical examiner under ORS 146.117.

13 “(37) Any document or other information related to an audit of a public
14 body, as defined in ORS 174.109, that is in the custody of an auditor or audit
15 organization operating under nationally recognized government auditing
16 standards, until the auditor or audit organization issues a final audit report
17 in accordance with those standards or the audit is abandoned. This ex-
18 emption does not prohibit disclosure of a draft audit report that is provided
19 to the audited entity for the entity’s response to the audit findings.

20 “(38)(a) Personally identifiable information collected as part of an elec-
21 tronic fare collection system of a mass transit system.

22 “(b) The exemption from disclosure in paragraph (a) of this subsection
23 does not apply to public records that have attributes of anonymity that are
24 sufficient, or that are aggregated into groupings that are broad enough, to
25 ensure that persons cannot be identified by disclosure of the public records.

26 “(c) As used in this subsection:

27 “(A) ‘Electronic fare collection system’ means the software and hardware
28 used for, associated with or relating to the collection of transit fares for a
29 mass transit system, including but not limited to computers, radio commu-
30 nication systems, personal mobile devices, wearable technology, fare instru-

1 ments, information technology, data storage or collection equipment, or other
2 equipment or improvements.

3 “(B) ‘Mass transit system’ has the meaning given that term in ORS
4 267.010.

5 “(C) ‘Personally identifiable information’ means all information relating
6 to a person that acquires or uses a transit pass or other fare payment me-
7 dium in connection with an electronic fare collection system, including but
8 not limited to:

9 “(i) Customer account information, date of birth, telephone number,
10 physical address, electronic mail address, credit or debit card information,
11 bank account information, Social Security or taxpayer identification number
12 or other identification number, transit pass or fare payment medium balances
13 or history, or similar personal information; or

14 “(ii) Travel dates, travel times, frequency of use, travel locations, service
15 types or vehicle use, or similar travel information.

16 “(39)(a) If requested by a civil code enforcement officer:

17 “(A) The home address and home telephone number of the civil code
18 enforcement officer contained in the voter registration records for the offi-
19 cer.

20 “(B) The name of the civil code enforcement officer contained in county
21 real property assessment or taxation records. This exemption:

22 “(i) Applies only to the name of the civil code enforcement officer and
23 any other owner of the property in connection with a specific property
24 identified by the officer in a request for exemption from disclosure;

25 “(ii) Applies only to records that may be made immediately available to
26 the public upon request in person, by telephone or using the Internet;

27 “(iii) Applies until the civil code enforcement officer requests termination
28 of the exemption;

29 “(iv) Does not apply to disclosure of records among public bodies as de-
30 fined in ORS 174.109 for governmental purposes; and

1 “(v) May not result in liability for the county if the name of the civil code
2 enforcement officer is disclosed after a request for exemption from disclosure
3 is made under this subsection.

4 “(b) As used in this subsection, ‘civil code enforcement officer’ means an
5 employee of a public body, as defined in ORS 174.109, who is charged with
6 enforcing laws or ordinances relating to land use, zoning, use of rights-of-
7 way, solid waste, hazardous waste, sewage treatment and disposal or the
8 state building code.

9 “(40) Audio or video recordings, whether digital or analog, resulting from
10 a law enforcement officer’s operation of a video camera worn upon the
11 officer’s person that records the officer’s interactions with members of the
12 public while the officer is on duty. When a recording described in this sub-
13 section is subject to disclosure, the following apply:

14 “(a) Recordings that have been sealed in a court’s record of a court pro-
15 ceeding or otherwise ordered by a court not to be disclosed may not be dis-
16 closed.

17 “(b) A request for disclosure under this subsection must identify the ap-
18 proximate date and time of an incident for which the recordings are re-
19 quested and be reasonably tailored to include only that material for which
20 a public interest requires disclosure.

21 “(c) A video recording disclosed under this subsection must, prior to dis-
22 closure, be edited in a manner as to render the faces of all persons within
23 the recording unidentifiable.

24 “(41) The contents of tips reported to a tip line, as defined in ORS 339.329.
25 However, personally identifiable information, as defined in ORS 339.329, is
26 not subject to public interest balancing under this section and remains ex-
27 empt from disclosure except as provided in ORS 339.329.

28 **“SECTION 9.** ORS 192.345, as amended by section 4, chapter 532, Oregon
29 Laws 2019, is amended to read:

30 “192.345. The following public records are exempt from disclosure under

1 ORS 192.311 to 192.478 unless the public interest requires disclosure in the
2 particular instance:

3 “(1) Records of a public body pertaining to litigation to which the public
4 body is a party if the complaint has been filed, or if the complaint has not
5 been filed, if the public body shows that such litigation is reasonably likely
6 to occur. This exemption does not apply to litigation which has been con-
7 cluded, and nothing in this subsection shall limit any right or opportunity
8 granted by discovery or deposition statutes to a party to litigation or po-
9 tential litigation.

10 “(2) Trade secrets. ‘Trade secrets,’ as used in this section, may include,
11 but are not limited to, any formula, plan, pattern, process, tool, mechanism,
12 compound, procedure, production data, or compilation of information which
13 is not patented, which is known only to certain individuals within an or-
14 ganization and which is used in a business it conducts, having actual or
15 potential commercial value, and which gives its user an opportunity to ob-
16 tain a business advantage over competitors who do not know or use it.

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

25 “(a) The arrested person’s name, age, residence, employment, marital sta-
26 tus and similar biographical information;

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

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

29 “(d) The identity of and biographical information concerning both com-
30 plaining party and victim;

1 “(e) The identity of the investigating and arresting agency and the length
2 of the investigation;

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

5 “(g) Such information as may be necessary to enlist public assistance in
6 apprehending fugitives from justice.

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

14 “(5) Information consisting of production records, sale or purchase records
15 or catch records, or similar business records of a private concern or enter-
16 prise, required by law to be submitted to or inspected by a governmental
17 body to allow it to determine fees or assessments payable or to establish
18 production quotas, and the amounts of such fees or assessments payable or
19 paid, to the extent that such information is in a form that would permit
20 identification of the individual concern or enterprise. This exemption does
21 not include records submitted by long term care facilities as defined in ORS
22 442.015 to the state for purposes of reimbursement of expenses or determining
23 fees for patient care. Nothing in this subsection shall limit the use that can
24 be made of such information for regulatory purposes or its admissibility in
25 any enforcement proceeding.

26 “(6) Information relating to the appraisal of real estate prior to its ac-
27 quisition.

28 “(7) The names and signatures of employees who sign authorization cards
29 or petitions for the purpose of requesting representation or decertification
30 elections.

1 “(8) Investigatory information relating to any complaint filed under ORS
2 659A.820 or 659A.825, until such time as the complaint is resolved under ORS
3 659A.835, or a final order is issued under ORS 659A.850.

4 “(9) Investigatory information relating to any complaint or charge filed
5 under ORS 243.676 and 663.180.

6 “(10) Records, reports and other information received or compiled by the
7 Director of the Department of Consumer and Business Services under ORS
8 697.732.

9 “(11) Information concerning the location of archaeological sites or ob-
10 jects as those terms are defined in ORS 358.905, except if the governing body
11 of an Indian tribe requests the information and the need for the information
12 is related to that Indian tribe’s cultural or religious activities. This ex-
13 emption does not include information relating to a site that is all or part
14 of an existing, commonly known and publicized tourist facility or attraction.

15 “(12) A personnel discipline action, or materials or documents supporting
16 that action, **except for disciplinary records as defined in section 2 of**
17 **this 2021 Act.**

18 “(13) Fish and wildlife information developed pursuant to ORS 496.004,
19 496.172 and 498.026 or ORS 496.192 and 564.100, regarding the habitat, lo-
20 cation or population of any threatened species or endangered species.

21 “(14) Writings prepared by or under the direction of faculty of public ed-
22 ucational institutions, in connection with research, until publicly released,
23 copyrighted or patented.

24 “(15) Computer programs developed or purchased by or for any public
25 body for its own use. As used in this subsection, ‘computer program’ means
26 a series of instructions or statements which permit the functioning of a
27 computer system in a manner designed to provide storage, retrieval and ma-
28 nipulation of data from such computer system, and any associated documen-
29 tation and source material that explain how to operate the computer
30 program. ‘Computer program’ does not include:

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

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

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

7 “(16) Data and information provided by participants to mediation under
8 ORS 36.256.

9 “(17) Investigatory information relating to any complaint or charge filed
10 under ORS chapter 654, until a final administrative determination is made
11 or, if a citation is issued, until an employer receives notice of any citation.

12 “(18) Specific operational plans in connection with an anticipated threat
13 to individual or public safety for deployment and use of personnel and
14 equipment, prepared or used by a public body, if public disclosure of the
15 plans would endanger an individual’s life or physical safety or jeopardize a
16 law enforcement activity.

17 “(19)(a) Audits or audit reports required of a telecommunications carrier.
18 As used in this paragraph, ‘audit or audit report’ means any external or
19 internal audit or audit report pertaining to a telecommunications carrier, as
20 defined in ORS 133.721, or pertaining to a corporation having an affiliated
21 interest, as defined in ORS 759.390, with a telecommunications carrier that
22 is intended to make the operations of the entity more efficient, accurate or
23 compliant with applicable rules, procedures or standards, that may include
24 self-criticism and that has been filed by the telecommunications carrier or
25 affiliate under compulsion of state law. ‘Audit or audit report’ does not mean
26 an audit of a cost study that would be discoverable in a contested case pro-
27 ceeding and that is not subject to a protective order; and

28 “(b) Financial statements. As used in this paragraph, ‘financial
29 statement’ means a financial statement of a nonregulated corporation having
30 an affiliated interest, as defined in ORS 759.390, with a telecommunications

1 carrier, as defined in ORS 133.721.

2 “(20) The residence address of an elector if authorized under ORS 247.965
3 and subject to ORS 247.967.

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

8 “(a) Personal and corporate financial statements and information, in-
9 cluding tax returns;

10 “(b) Credit reports;

11 “(c) Project appraisals, excluding appraisals obtained in the course of
12 transactions involving an interest in real estate that is acquired, leased,
13 rented, exchanged, transferred or otherwise disposed of as part of the project,
14 but only after the transactions have closed and are concluded;

15 “(d) Market studies and analyses;

16 “(e) Articles of incorporation, partnership agreements and operating
17 agreements;

18 “(f) Commitment letters;

19 “(g) Project pro forma statements;

20 “(h) Project cost certifications and cost data;

21 “(i) Audits;

22 “(j) Project tenant correspondence requested to be confidential;

23 “(k) Tenant files relating to certification; and

24 “(L) Housing assistance payment requests.

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

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

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

29 “(c) Disrupt, interfere with or gain unauthorized access to public funds
30 or to information processing, communication or telecommunication systems,

1 including the information contained in the systems, that are used or operated
2 by a public body.

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

6 “(a) An individual;

7 “(b) Buildings or other property;

8 “(c) Information processing, communication or telecommunication sys-
9 tems, including the information contained in the systems; or

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

12 “(24) Personal information held by or under the direction of officials of
13 the Oregon Health and Science University or a public university listed in
14 ORS 352.002 about a person who has or who is interested in donating money
15 or property to the Oregon Health and Science University or a public uni-
16 versity, if the information is related to the family of the person, personal
17 assets of the person or is incidental information not related to the donation.

18 “(25) The home address, professional address and telephone number of a
19 person who has or who is interested in donating money or property to a
20 public university listed in ORS 352.002.

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

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

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

1 “(29) The electronic mail address of a student who attends a public uni-
2 versity listed in ORS 352.002 or Oregon Health and Science University.

3 “(30) The name, home address, professional address or location of a person
4 that is engaged in, or that provides goods or services for, medical research
5 at Oregon Health and Science University that is conducted using animals
6 other than rodents. This subsection does not apply to Oregon Health and
7 Science University press releases, websites or other publications circulated
8 to the general public.

9 “(31) If requested by a public safety officer, as defined in ORS 181A.355,
10 or a county juvenile department employee who is charged with and primarily
11 performs duties related to the custody, control or supervision of youth
12 offenders confined in a detention facility, as defined in ORS 419A.004:

13 “(a) The home address and home telephone number of the public safety
14 officer or county juvenile department employee contained in the voter reg-
15 istration records for the officer or employee.

16 “(b) The home address and home telephone number of the public safety
17 officer or county juvenile department employee contained in records of the
18 Department of Public Safety Standards and Training.

19 “(c) The name of the public safety officer or county juvenile department
20 employee contained in county real property assessment or taxation records.
21 This exemption:

22 “(A) Applies only to the name of the officer or employee and any other
23 owner of the property in connection with a specific property identified by the
24 officer or employee in a request for exemption from disclosure;

25 “(B) Applies only to records that may be made immediately available to
26 the public upon request in person, by telephone or using the Internet;

27 “(C) Applies until the officer or employee requests termination of the ex-
28 emption;

29 “(D) Does not apply to disclosure of records among public bodies as de-
30 fined in ORS 174.109 for governmental purposes; and

1 “(E) May not result in liability for the county if the name of the officer
2 or employee is disclosed after a request for exemption from disclosure is
3 made under this subsection.

4 “(32) Unless the public records request is made by a financial institution,
5 as defined in ORS 706.008, consumer finance company licensed under ORS
6 chapter 725, mortgage banker or mortgage broker licensed under ORS
7 86A.095 to 86A.198, or title company for business purposes, records described
8 in paragraph (a) of this subsection, if the exemption from disclosure of the
9 records is sought by an individual described in paragraph (b) of this sub-
10 section using the procedure described in paragraph (c) of this subsection:

11 “(a) The home address, home or cellular telephone number or personal
12 electronic mail address contained in the records of any public body that has
13 received the request that is set forth in:

14 “(A) A warranty deed, deed of trust, mortgage, lien, deed of reconveyance,
15 release, satisfaction, substitution of trustee, easement, dog license, marriage
16 license or military discharge record that is in the possession of the county
17 clerk; or

18 “(B) Any public record of a public body other than the county clerk.

19 “(b) The individual claiming the exemption from disclosure must be a
20 district attorney, a deputy district attorney, the Attorney General or an as-
21 sistant attorney general, the United States Attorney for the District of
22 Oregon or an assistant United States attorney for the District of Oregon, a
23 city attorney who engages in the prosecution of criminal matters or a deputy
24 city attorney who engages in the prosecution of criminal matters.

25 “(c) The individual claiming the exemption from disclosure must do so by
26 filing the claim in writing with the public body for which the exemption from
27 disclosure is being claimed on a form prescribed by the public body. Unless
28 the claim is filed with the county clerk, the claim form shall list the public
29 records in the possession of the public body to which the exemption applies.
30 The exemption applies until the individual claiming the exemption requests

1 termination of the exemption or ceases to qualify for the exemption.

2 “(33) The following voluntary conservation agreements and reports:

3 “(a) Land management plans required for voluntary stewardship agree-
4 ments entered into under ORS 541.973; and

5 “(b) Written agreements relating to the conservation of greater sage
6 grouse entered into voluntarily by owners or occupiers of land with a soil
7 and water conservation district under ORS 568.550.

8 “(34) Sensitive business records or financial or commercial information
9 of the State Accident Insurance Fund Corporation that is not customarily
10 provided to business competitors. This exemption does not:

11 “(a) Apply to the formulas for determining dividends to be paid to em-
12 ployers insured by the State Accident Insurance Fund Corporation;

13 “(b) Apply to contracts for advertising, public relations or lobbying ser-
14 vices or to documents related to the formation of such contracts;

15 “(c) Apply to group insurance contracts or to documents relating to the
16 formation of such contracts, except that employer account records shall re-
17 main exempt from disclosure as provided in ORS 192.355 (35); or

18 “(d) Provide the basis for opposing the discovery of documents in liti-
19 gation pursuant to the applicable rules of civil procedure.

20 “(35) Records of the Department of Public Safety Standards and Training
21 relating to investigations conducted under ORS 181A.640 or 181A.870 (6),
22 until the department issues the report described in ORS 181A.640 or 181A.870.

23 “(36) A medical examiner’s report, autopsy report or laboratory test report
24 ordered by a medical examiner under ORS 146.117.

25 “(37) Any document or other information related to an audit of a public
26 body, as defined in ORS 174.109, that is in the custody of an auditor or audit
27 organization operating under nationally recognized government auditing
28 standards, until the auditor or audit organization issues a final audit report
29 in accordance with those standards or the audit is abandoned. This ex-
30 emption does not prohibit disclosure of a draft audit report that is provided

1 to the audited entity for the entity's response to the audit findings.

2 “(38)(a) Personally identifiable information collected as part of an elec-
3 tronic fare collection system of a mass transit system.

4 “(b) The exemption from disclosure in paragraph (a) of this subsection
5 does not apply to public records that have attributes of anonymity that are
6 sufficient, or that are aggregated into groupings that are broad enough, to
7 ensure that persons cannot be identified by disclosure of the public records.

8 “(c) As used in this subsection:

9 “(A) ‘Electronic fare collection system’ means the software and hardware
10 used for, associated with or relating to the collection of transit fares for a
11 mass transit system, including but not limited to computers, radio commu-
12 nication systems, personal mobile devices, wearable technology, fare instru-
13 ments, information technology, data storage or collection equipment, or other
14 equipment or improvements.

15 “(B) ‘Mass transit system’ has the meaning given that term in ORS
16 267.010.

17 “(C) ‘Personally identifiable information’ means all information relating
18 to a person that acquires or uses a transit pass or other fare payment me-
19 dium in connection with an electronic fare collection system, including but
20 not limited to:

21 “(i) Customer account information, date of birth, telephone number,
22 physical address, electronic mail address, credit or debit card information,
23 bank account information, Social Security or taxpayer identification number
24 or other identification number, transit pass or fare payment medium balances
25 or history, or similar personal information; or

26 “(ii) Travel dates, travel times, frequency of use, travel locations, service
27 types or vehicle use, or similar travel information.

28 “(39)(a) If requested by a civil code enforcement officer:

29 “(A) The home address and home telephone number of the civil code
30 enforcement officer contained in the voter registration records for the offi-

1 cer.

2 “(B) The name of the civil code enforcement officer contained in county
3 real property assessment or taxation records. This exemption:

4 “(i) Applies only to the name of the civil code enforcement officer and
5 any other owner of the property in connection with a specific property
6 identified by the officer in a request for exemption from disclosure;

7 “(ii) Applies only to records that may be made immediately available to
8 the public upon request in person, by telephone or using the Internet;

9 “(iii) Applies until the civil code enforcement officer requests termination
10 of the exemption;

11 “(iv) Does not apply to disclosure of records among public bodies as de-
12 fined in ORS 174.109 for governmental purposes; and

13 “(v) May not result in liability for the county if the name of the civil code
14 enforcement officer is disclosed after a request for exemption from disclosure
15 is made under this subsection.

16 “(b) As used in this subsection, ‘civil code enforcement officer’ means an
17 employee of a public body, as defined in ORS 174.109, who is charged with
18 enforcing laws or ordinances relating to land use, zoning, use of rights-of-
19 way, solid waste, hazardous waste, sewage treatment and disposal or the
20 state building code.

21 “(40) Audio or video recordings, whether digital or analog, resulting from
22 a law enforcement officer’s operation of a video camera worn upon the
23 officer’s person that records the officer’s interactions with members of the
24 public while the officer is on duty. When a recording described in this sub-
25 section is subject to disclosure, the following apply:

26 “(a) Recordings that have been sealed in a court’s record of a court pro-
27 ceeding or otherwise ordered by a court not to be disclosed may not be dis-
28 closed.

29 “(b) A request for disclosure under this subsection must identify the ap-
30 proximate date and time of an incident for which the recordings are re-

1 requested and be reasonably tailored to include only that material for which
2 a public interest requires disclosure.

3 “(c) A video recording disclosed under this subsection must, prior to dis-
4 closure, be edited in a manner as to render the faces of all persons within
5 the recording unidentifiable.

6 “(41) The contents of tips reported to a tip line, as defined in ORS 339.329.
7 However, personally identifiable information, as defined in ORS 339.329, is
8 not subject to public interest balancing under this section and remains ex-
9 empt from disclosure except as provided in ORS 339.329.

10 **“SECTION 10. Section 3, chapter 7, Oregon Laws 2020 (first special
11 session), is repealed.**

12 **“SECTION 11. Sections 1 to 5 of this 2021 Act and the amendments
13 to ORS 181A.830 and 192.345 by sections 7 to 9 of this 2021 Act do not
14 affect a collective bargaining agreement entered into before the effec-
15 tive date of this 2021 Act, to the extent compliance with the provisions
16 of section 3 of this 2021 Act would conflict with or impair the execution
17 of the terms of the collective bargaining agreement.**

18 **“SECTION 12. (1) Section 3 of this 2021 Act becomes operative on
19 July 1, 2021.**

20 **“(2) The Department of Public Safety Standards and Training may
21 take any action before the operative date specified in subsection (1)
22 of this section to enable the department, on and after the operative
23 date specified in subsection (1) of this section, to exercise all the du-
24 ties, functions and powers conferred on the department by section 3
25 of this 2021 Act.**

26 **“SECTION 13. This 2021 Act being necessary for the immediate
27 preservation of the public peace, health and safety, an emergency is
28 declared to exist, and this 2021 Act takes effect on its passage.”.**

29