

SB 90-1  
(LC 373)  
3/19/21 (DJ/ps)

Requested by SENATE COMMITTEE ON HUMAN SERVICES, MENTAL HEALTH AND RECOVERY

**PROPOSED AMENDMENTS TO  
SENATE BILL 90**

1 On page 1 of the printed bill, line 2, delete “192.355” and insert  
2 “192.345”.

3 Delete lines 4 through 30 and delete pages 2 through 9 and insert:

4 **“SECTION 1.** ORS 192.345 is amended to read:

5 “192.345. The following public records are exempt from disclosure under  
6 ORS 192.311 to 192.478 unless the public interest requires disclosure in the  
7 particular instance:

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

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

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

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

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

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

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

15 “(e) The identity of the investigating and arresting agency and the length  
16 of the investigation;

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

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

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

28 “(5) Information consisting of production records, sale or purchase records  
29 or catch records, or similar business records of a private concern or enter-  
30 prise, required by law to be submitted to or inspected by a governmental

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

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

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

15 “(8) Investigatory information relating to any complaint filed under ORS  
16 659A.820 or 659A.825, until such time as the complaint is resolved under ORS  
17 659A.835, or a final order is issued under ORS 659A.850.

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

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

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

29 “(12) A personnel discipline action, or materials or documents supporting  
30 that action.

1 “(13) Fish and wildlife information:

2 “(a) Developed pursuant to ORS 496.004, 496.172 and 498.026 or ORS  
3 496.192 and 564.100, regarding the habitat, location or population of any  
4 threatened species or endangered species; or

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

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

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

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

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

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

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

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

27 “(18) Specific operational plans in connection with an anticipated threat  
28 to individual or public safety for deployment and use of personnel and  
29 equipment, prepared or used by a public body, if public disclosure of the  
30 plans would endanger an individual’s life or physical safety or jeopardize a

1 law enforcement activity.

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

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

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

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

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

25 “(b) Credit reports;

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

30 “(d) Market studies and analyses;

1 “(e) Articles of incorporation, partnership agreements and operating  
2 agreements;

3 “(f) Commitment letters;

4 “(g) Project pro forma statements;

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

6 “(i) Audits;

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

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

9 “(L) Housing assistance payment requests.

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

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

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

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

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

21 “(a) An individual;

22 “(b) Buildings or other property;

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

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

27 “(24) Personal information held by or under the direction of officials of  
28 the Oregon Health and Science University or a public university listed in  
29 ORS 352.002 about a person who has or who is interested in donating money  
30 or property to the Oregon Health and Science University or a public uni-

1 versity, if the information is related to the family of the person, personal  
2 assets of the person or is incidental information not related to the donation.

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

6 “(26) Records of the name and address of a person who files a report with  
7 or pays an assessment to a commodity commission established under ORS  
8 576.051 to 576.455, the Oregon Beef Council created under ORS 577.210 or the  
9 Oregon Wheat Commission created under ORS 578.030.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29       “(A) A warranty deed, deed of trust, mortgage, lien, deed of reconveyance,  
30 release, satisfaction, substitution of trustee, easement, dog license, marriage



1 license or military discharge record that is in the possession of the county  
2 clerk; or

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

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

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

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

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

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

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

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

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

30 “(c) Apply to group insurance contracts or to documents relating to the

1 formation of such contracts, except that employer account records shall re-  
2 main exempt from disclosure as provided in ORS 192.355 (35); or

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

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

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

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

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

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

23 “(c) As used in this subsection:

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

30 “(B) ‘Mass transit system’ has the meaning given that term in ORS

1 267.010.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 “(42) **Residential addresses of individuals with intellectual or devel-**  
26 **opmental disabilities residing in adult foster homes as defined in ORS**  
27 **443.705 or residential training facilities or residential training homes**  
28 **as those terms are defined in ORS 443.400.**

29 “**SECTION 2.** ORS 192.345, as amended by section 4, chapter 532, Oregon  
30 Laws 2019, is amended to read:

1 “192.345. The following public records are exempt from disclosure under  
2 ORS 192.311 to 192.478 unless the public interest requires disclosure in the  
3 particular instance:

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

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

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

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

30 “(d) The identity of and biographical information concerning both com-

1 plaining party and victim;

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

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

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

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

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

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

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

1 elections.

2 “(8) Investigatory information relating to any complaint filed under ORS  
3 659A.820 or 659A.825, until such time as the complaint is resolved under ORS  
4 659A.835, or a final order is issued under ORS 659A.850.

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

7 “(10) Records, reports and other information received or compiled by the  
8 Director of the Department of Consumer and Business Services under ORS  
9 697.732.

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

16 “(12) A personnel discipline action, or materials or documents supporting  
17 that action.

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 “**(42) Residential addresses of individuals with intellectual or devel-**  
11 **opmental disabilities residing in adult foster homes as defined in ORS**  
12 **443.705 or residential training facilities or residential training homes**  
13 **as those terms are defined in ORS 443.400.**

14 “**SECTION 3.** ORS 443.740 is amended to read:

15 “443.740. (1) The licensing agency shall maintain current information on  
16 all licensed adult foster homes and shall make that information available,  
17 **with the exception of information exempt from public disclosure under**  
18 **ORS 192.345**, to prospective residents and other interested members of the  
19 public at local offices or area agencies on aging licensing offices throughout  
20 the state.

21 “(2) The information shall include:

22 “(a) The location of the adult foster home;

23 “(b) A brief description of the physical characteristics of the home;

24 “(c) The name and mailing address of the provider;

25 “(d) The license classification of the home and the date the provider was  
26 first licensed to operate that home;

27 “(e) The date of the last inspection, the name and telephone number of  
28 the office that performed the inspection and a summary of the findings;

29 “(f) Copies of all complaint investigations involving the home, together  
30 with the findings of the licensing agency, the actions taken by the agency



1 and the outcome of the complaint investigation;

2 “(g) An explanation of the terms used in the investigation report;

3 “(h) Any license conditions, suspensions, denials, revocations, civil pen-  
4 alties, exceptions or other actions taken by the licensing agency involving  
5 the home; and

6 “(i) Whether care is provided primarily by the licensed provider, a resi-  
7 dent manager or other arrangement.

8 “(3) Any list of adult foster homes maintained or distributed by the li-  
9 censing agency or a local licensing office shall include notification to the  
10 reader of the availability of public records concerning the homes.

11 **“SECTION 4. This 2021 Act takes effect on the 91st day after the**  
12 **date on which the 2021 regular session of the Eighty-first Legislative**  
13 **Assembly adjourns sine die.”.**

14 \_\_\_\_\_