

Requested by Senator MANNING JR

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2929**

1 On page 1 of the printed A-engrossed bill, line 2, after “amending” delete
2 the rest of the line and line 3 and insert “ORS 181A.830 and 192.345.”.

3 On page 2, after line 37, insert:

4 **“SECTION 3. Section 4 of this 2021 Act is added to and made a part**
5 **of ORS 181A.355 to 181A.670.**

6 **“SECTION 4. (1) As used in this section:**

7 **“(a) ‘Disciplinary action’ means a corrective or punitive action im-**
8 **posed by a law enforcement unit following an investigation into a po-**
9 **lice officer’s alleged misconduct, other than a technical infraction.**

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

16 **“(c) ‘Disciplinary records’ means all records created in furtherance**
17 **of a disciplinary proceeding conducted by a state or local law**
18 **enforcement unit, the department, a citizen review body or any other**
19 **entity tasked with evaluating a complaint or charge against a police**
20 **officer, other than a complaint or charge based on a technical infrac-**
21 **tion, including, but not limited to:**

1 **“(A) The complaints, allegations and charges against an officer;**

2 **“(B) The name of the officer complained of or charged;**

3 **“(C) All records, documents and files, in whatever form, related to**
4 **the investigation, adjudication and disposition of the complaint or**
5 **charge, that are not redacted under section 4 (3) of this 2021 Act;**

6 **“(D) The transcript of any disciplinary proceeding, including any**
7 **exhibits introduced at the proceeding;**

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

12 **“(F) Any final written opinion or memorandum supporting either**
13 **the disposition and disciplinary action imposed, or the decision not to**
14 **impose disciplinary action, including the complete factual findings,**
15 **analysis of the conduct and appropriate discipline of the officer and**
16 **data documenting the basis of the disciplinary action or lack of disci-**
17 **plinary action, that is not redacted under section 4 (3) of this 2021 Act.**

18 **“(d) ‘Technical infraction’ means a minor rule violation by a police**
19 **officer, solely related to the enforcement of administrative depart-**
20 **mental rules, that:**

21 **“(A) Does not involve interactions with members of the public;**

22 **“(B) Is not otherwise connected to the officer’s investigative,**
23 **enforcement, training, supervision or reporting responsibilities; and**

24 **“(C) Does not involve deception, misrepresentation, dishonesty or**
25 **intemperate behavior by the officer.**

26 **“(2) A law enforcement unit shall maintain disciplinary records for**
27 **at least 30 years after the record is created.**

28 **“(3) A law enforcement unit shall redact from disciplinary records**
29 **the following information:**

30 **“(a) Items involving the medical history of a police officer, not in-**

1 cluding records obtained during the course of a unit’s investigation
2 of the officer’s misconduct that are relevant to the disposition of the
3 investigation.

4 “(b) The home addresses, personal telephone numbers, personal
5 cellular telephone numbers and personal electronic mail addresses of
6 a police officer and a family member of a police officer, a complainant
7 or any other person named in a disciplinary record.

8 “(c) Social Security numbers.

9 “(d) Records of the use of an employee assistance program, mental
10 health service or substance abuse assistance service by a police officer,
11 unless the use is mandated by a disciplinary proceeding that may
12 otherwise be disclosed under this section.

13 **“SECTION 5. (1) As used in this section “disciplinary records” has**
14 **the meaning given that term in section 4 of this 2021 Act.**

15 **“(2)(a) A person commits the crime of tampering with disciplinary**
16 **records if, without lawful authority, the person knowingly destroys,**
17 **mutilates, conceals, removes, makes a false entry in or falsely alters**
18 **disciplinary records, or knowingly directs another to destroy, mutilate,**
19 **conceal, remove, make a false entry in or falsely alter disciplinary**
20 **records.**

21 **“(b) Tampering with disciplinary records is a Class A misdemeanor.**

22 **“(3)(a) A person commits the crime of recklessly tampering with**
23 **disciplinary records if, without lawful authority, the person recklessly**
24 **destroys, mutilates, conceals, removes, makes a false entry in or**
25 **falsely alters disciplinary records, or recklessly directs another to de-**
26 **stroy, mutilate, conceal, remove, make a false entry in or falsely alter**
27 **disciplinary records.**

28 **“(b) Recklessly tampering with public records is a Class C**
29 **misdemeanor.**

30 **“SECTION 6. ORS 181A.830, as amended by section 5, chapter 7, Oregon**

1 Laws 2020 (first special session), is amended to read:

2 “181A.830. (1) As used in this section:

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

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

7 “(2) A public body may not disclose a photograph of a public safety em-
8 ployee of the public body without the written consent of the employee. This
9 subsection does not apply to the use by the public body of a photograph of
10 a public safety employee.

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

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

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

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

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

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

22 “[~~(e)~~ *When the public body determines that nondisclosure of the information*
23 *would adversely affect the confidence of the public in the public body.*]

24 “[~~(5)~~ *If an investigation of a public safety employee of a public body results*
25 *from a complaint, the public body may disclose to the complainant the dispo-*
26 *sition of the complaint and, to the extent the public body considers necessary*
27 *to explain the action of the public body on the complaint, a written summary*
28 *of information obtained in the investigation.*]

29 “[~~(6)~~] **(3)** A public body must notify a public safety employee of the public
30 body if the public body receives a request for:

1 “(a) A photograph of the employee.

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

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

6 “**SECTION 7.** ORS 192.345 is amended to read:

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

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

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

24 “(3) Investigatory information compiled for criminal law purposes. The
25 record of an arrest or the report of a crime shall be disclosed unless and only
26 for so long as there is a clear need to delay disclosure in the course of a
27 specific investigation, including the need to protect the complaining party
28 or the victim. Nothing in this subsection shall limit any right constitu-
29 tionally guaranteed, or granted by statute, to disclosure or discovery in
30 criminal cases. For purposes of this subsection, the record of an arrest or the

1 report of a crime includes, but is not limited to:

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

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

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

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

8 “(e) The identity of the investigating and arresting agency and the length
9 of the investigation;

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

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

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

21 “(5) Information consisting of production records, sale or purchase records
22 or catch records, or similar business records of a private concern or enter-
23 prise, required by law to be submitted to or inspected by a governmental
24 body to allow it to determine fees or assessments payable or to establish
25 production quotas, and the amounts of such fees or assessments payable or
26 paid, to the extent that such information is in a form that would permit
27 identification of the individual concern or enterprise. This exemption does
28 not include records submitted by long term care facilities as defined in ORS
29 442.015 to the state for purposes of reimbursement of expenses or determining
30 fees for patient care. Nothing in this subsection shall limit the use that can

1 be made of such information for regulatory purposes or its admissibility in
2 any enforcement proceeding.

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

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

8 “(8) Investigatory information relating to any complaint filed under ORS
9 659A.820 or 659A.825, until such time as the complaint is resolved under ORS
10 659A.835, or a final order is issued under ORS 659A.850.

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

13 “(10) Records, reports and other information received or compiled by the
14 Director of the Department of Consumer and Business Services under ORS
15 697.732.

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

22 “(12) A personnel discipline action, or materials or documents supporting
23 that action, **except for disciplinary records as defined in section 4 of**
24 **this 2021 Act.**

25 “(13) Fish and wildlife information:

26 “(a) Developed pursuant to ORS 496.004, 496.172 and 498.026 or ORS
27 496.192 and 564.100, regarding the habitat, location or population of any
28 threatened species or endangered species; or

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

30 “(14) Writings prepared by or under the direction of faculty of public ed-

1 ucational institutions, in connection with research, until publicly released,
2 copyrighted or patented.

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

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

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

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

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

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

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

26 “(19)(a) Audits or audit reports required of a telecommunications carrier.
27 As used in this paragraph, ‘audit or audit report’ means any external or
28 internal audit or audit report pertaining to a telecommunications carrier, as
29 defined in ORS 133.721, or pertaining to a corporation having an affiliated
30 interest, as defined in ORS 759.390, with a telecommunications carrier that

1 is intended to make the operations of the entity more efficient, accurate or
2 compliant with applicable rules, procedures or standards, that may include
3 self-criticism and that has been filed by the telecommunications carrier or
4 affiliate under compulsion of state law. ‘Audit or audit report’ does not mean
5 an audit of a cost study that would be discoverable in a contested case pro-
6 ceeding and that is not subject to a protective order; and

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

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

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

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

19 “(b) Credit reports;

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

24 “(d) Market studies and analyses;

25 “(e) Articles of incorporation, partnership agreements and operating
26 agreements;

27 “(f) Commitment letters;

28 “(g) Project pro forma statements;

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

30 “(i) Audits;

1 “(j) Project tenant correspondence requested to be confidential;
2 “(k) Tenant files relating to certification; and
3 “(L) Housing assistance payment requests.
4 “(22) Records or information that, if disclosed, would allow a person to:
5 “(a) Gain unauthorized access to buildings or other property;
6 “(b) Identify those areas of structural or operational vulnerability that
7 would permit unlawful disruption to, or interference with, services; or
8 “(c) Disrupt, interfere with or gain unauthorized access to public funds
9 or to information processing, communication or telecommunication systems,
10 including the information contained in the systems, that are used or operated
11 by a public body.
12 “(23) Records or information that would reveal or otherwise identify se-
13 curity measures, or weaknesses or potential weaknesses in security measures,
14 taken or recommended to be taken to protect:
15 “(a) An individual;
16 “(b) Buildings or other property;
17 “(c) Information processing, communication or telecommunication sys-
18 tems, including the information contained in the systems; or
19 “(d) Those operations of the Oregon State Lottery the security of which
20 are subject to study and evaluation under ORS 461.180 (6).
21 “(24) Personal information held by or under the direction of officials of
22 the Oregon Health and Science University or a public university listed in
23 ORS 352.002 about a person who has or who is interested in donating money
24 or property to the Oregon Health and Science University or a public uni-
25 versity, if the information is related to the family of the person, personal
26 assets of the person or is incidental information not related to the donation.
27 “(25) The home address, professional address and telephone number of a
28 person who has or who is interested in donating money or property to a
29 public university listed in ORS 352.002.
30 “(26) Records of the name and address of a person who files a report with

1 or pays an assessment to a commodity commission established under ORS
2 576.051 to 576.455, the Oregon Beef Council created under ORS 577.210 or the
3 Oregon Wheat Commission created under ORS 578.030.

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

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

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

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

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

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

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

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

30 This exemption:

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

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

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

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

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

13 “(32) Unless the public records request is made by a financial institution,
14 as defined in ORS 706.008, consumer finance company licensed under ORS
15 chapter 725, mortgage banker or mortgage broker licensed under ORS
16 86A.095 to 86A.198, or title company for business purposes, records described
17 in paragraph (a) of this subsection, if the exemption from disclosure of the
18 records is sought by an individual described in paragraph (b) of this sub-
19 section using the procedure described in paragraph (c) of this subsection:

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

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

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

28 “(b) The individual claiming the exemption from disclosure must be a
29 district attorney, a deputy district attorney, the Attorney General or an as-
30 sistant attorney general, the United States Attorney for the District of

1 Oregon or an assistant United States attorney for the District of Oregon, a
2 city attorney who engages in the prosecution of criminal matters or a deputy
3 city attorney who engages in the prosecution of criminal matters.

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

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

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

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

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

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

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

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

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

29 “(35) Records of the Department of Public Safety Standards and Training
30 relating to investigations conducted under ORS 181A.640 or 181A.870 (6),

1 until the department issues the report described in ORS 181A.640 or 181A.870.

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

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

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

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

17 “(c) As used in this subsection:

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

24 “(B) ‘Mass transit system’ has the meaning given that term in ORS
25 267.010.

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

30 “(i) Customer account information, date of birth, telephone number,

1 physical address, electronic mail address, credit or debit card information,
2 bank account information, Social Security or taxpayer identification number
3 or other identification number, transit pass or fare payment medium balances
4 or history, or similar personal information; or

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

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

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

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

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

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

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

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

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

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

30 “(40) Audio or video recordings, whether digital or analog, resulting from

1 a law enforcement officer's operation of a video camera worn upon the
2 officer's person that records the officer's interactions with members of the
3 public while the officer is on duty. When a recording described in this sub-
4 section is subject to disclosure, the following apply:

5 “(a) Recordings that have been sealed in a court's record of a court pro-
6 ceeding or otherwise ordered by a court not to be disclosed may not be dis-
7 closed.

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

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

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

19 **“SECTION 8.** ORS 192.345, as amended by section 4, chapter 532, Oregon
20 Laws 2019, is amended to read:

21 “192.345. The following public records are exempt from disclosure under
22 ORS 192.311 to 192.478 unless the public interest requires disclosure in the
23 particular instance:

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

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

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

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

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

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

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

22 “(e) The identity of the investigating and arresting agency and the length
23 of the investigation;

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

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

28 “(4) Test questions, scoring keys, and other data used to administer a li-
29 censing examination, employment, academic or other examination or testing
30 procedure before the examination is given and if the examination is to be

1 used again. Records establishing procedures for and instructing persons ad-
2 ministering, grading or evaluating an examination or testing procedure are
3 included in this exemption, to the extent that disclosure would create a risk
4 that the result might be affected.

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

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

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

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

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

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

30 “(11) Information concerning the location of archaeological sites or ob-

1 jects as those terms are defined in ORS 358.905, except if the governing body
2 of an Indian tribe requests the information and the need for the information
3 is related to that Indian tribe’s cultural or religious activities. This ex-
4 emption does not include information relating to a site that is all or part
5 of an existing, commonly known and publicized tourist facility or attraction.

6 “(12) A personnel discipline action, or materials or documents supporting
7 that action, **except for disciplinary records as defined in section 4 of**
8 **this 2021 Act.**

9 “(13) Fish and wildlife information developed pursuant to ORS 496.004,
10 496.172 and 498.026 or ORS 496.192 and 564.100, regarding the habitat, lo-
11 cation or population of any threatened species or endangered species.

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

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

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

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

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

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

30 “(17) Investigatory information relating to any complaint or charge filed

1 under ORS chapter 654, until a final administrative determination is made
2 or, if a citation is issued, until an employer receives notice of any citation.

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

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

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

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

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

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

1 “(b) Credit reports;

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

6 “(d) Market studies and analyses;

7 “(e) Articles of incorporation, partnership agreements and operating
8 agreements;

9 “(f) Commitment letters;

10 “(g) Project pro forma statements;

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

12 “(i) Audits;

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

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

15 “(L) Housing assistance payment requests.

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

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

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

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

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

27 “(a) An individual;

28 “(b) Buildings or other property;

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

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

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

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

12 “(26) Records of the name and address of a person who files a report with
13 or pays an assessment to a commodity commission established under ORS
14 576.051 to 576.455, the Oregon Beef Council created under ORS 577.210 or the
15 Oregon Wheat Commission created under ORS 578.030.

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

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

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

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

30 “(31) If requested by a public safety officer, as defined in ORS 181A.355,

1 or a county juvenile department employee who is charged with and primarily
2 performs duties related to the custody, control or supervision of youth
3 offenders confined in a detention facility, as defined in ORS 419A.004:

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

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

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

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

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

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

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

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

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

1 section using the procedure described in paragraph (c) of this subsection:

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

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

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

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

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

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

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

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

29 “(34) Sensitive business records or financial or commercial information
30 of the State Accident Insurance Fund Corporation that is not customarily

1 provided to business competitors. This exemption does not:

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

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

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

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

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

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

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

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

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

29 “(c) As used in this subsection:

30 “(A) ‘Electronic fare collection system’ means the software and hardware

1 used for, associated with or relating to the collection of transit fares for a
2 mass transit system, including but not limited to computers, radio commu-
3 nication systems, personal mobile devices, wearable technology, fare instru-
4 ments, information technology, data storage or collection equipment, or other
5 equipment or improvements.

6 “(B) ‘Mass transit system’ has the meaning given that term in ORS
7 267.010.

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

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

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

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

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

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

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

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

30 “(iii) Applies until the civil code enforcement officer requests termination

1 of the exemption;

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

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

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

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

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

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

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

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

1 **“SECTION 9. Section 4 of this 2021 Act and the amendments to ORS**
2 **181A.830 and 192.345 by sections 6 to 8 of this 2021 Act do not affect a**
3 **collective bargaining agreement entered into before the effective date**
4 **of this 2021 Act. A collective bargaining agreement entered into or**
5 **renewed on or after the effective date of this 2021 Act must comply**
6 **with the provisions of Section 4 of this 2021 Act and the amendments**
7 **to ORS 181A.830 and 192.345 by sections 6 to 8 of this 2021 Act.”.**

8
