

SB 160 STAFF MEASURE SUMMARY

Senate Committee On Rules

Prepared By: Leslie Porter, LPRO Analyst

Meeting Dates: 2/7

WHAT THE MEASURE DOES:

Requires state agencies, counties with population of 300,000 or more, cities with population of 100,000 or more, or school districts with student enrollment of 17,000 or more, to reduce public records request fees by 40 percent if request is made in public interest, and by between 50 and 100 percent, as determined by public records custodian, if the request is also narrowly tailored. Requires all public bodies to adhere to the same on and after January 1, 2027. Requires requests made by members of news media to be treated as public interest. Allows Attorney General or district attorney, when deciding petition filed by requester who believes an unreasonable denial of fee waiver occurred, to consider whether custodian engaged in good-faith efforts to produce records.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Oregon's Public Records Law (ORS Chapter 192) defines a public record as any writing with information about the conduct of public business that is prepared, owned, used, or retained by a public body, including every state officer, agency, department, bureau, board, and commission, and every county and city governing body, school district, special district, municipal corporation, or any board, department, commission, council, or agency thereof. Additionally, "every person" has a right to inspect any nonexempt public record of a public body in Oregon.

All public bodies in Oregon must have a written procedure for responding to public records requests and may charge a fee to recover the cost of fulfilling a records request. Fees may be waived or reduced if doing so is in the public interest, which is when providing the record benefits the community or society as a whole instead of benefiting a private entity or person. Current law gives discretion to waive the fee to public bodies. Oregon's public records law contains the following provision authorizing the collection of fees for public records requests:

(a) The public body may establish fees reasonably calculated to reimburse the public body for the public body's actual cost of making public records available, including costs for summarizing, compiling or tailoring the public records, either in organization or media, to meet the request.

Senate Bill 160 requires public bodies to reduce public records fees by 40 percent if the request is made in the public interest, and by between 50 and 100 percent if the request is also narrowly tailored.