

House Bill 2160

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of State Treasurer Tobias Read)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Amends abandonment presumptions for securities and distributions.

Shortens length of time until unpaid wages become presumed unclaimed to one year.

Establishes owners' rights to income or proceeds from unclaimed property held by State Treasurer until sale.

Exempts from disclosure certain records of State Treasurer relating to unclaimed property examinations and claims.

A BILL FOR AN ACT

1
2 Relating to unclaimed property; amending ORS 98.322, 98.334, 98.336, 98.362, 98.372 and 192.355.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 98.322 is amended to read:

5 98.322. (1) **As used in this section:**

6 (a) **"Distribution" means any dividend, profit distribution, interest, payment on principal**
7 **or other sum or thing of value owed under a security to the owner by a holder.**

8 (b) **"Notice" means communication in writing sent to an owner informing the owner of**
9 **the existence of a security or distribution and seeking to confirm the owner's interest in the**
10 **security or distribution.**

11 (c) **"Security" means stock, security, certificate of ownership or other intangible equity**
12 **ownership interest in a business association evidenced in the records of the holder.**

13 (d) **"Written notice" means a notice sent by first class mail to the owner's last-known**
14 **address.**

15 (2) **A security is presumed abandoned if the owner has not communicated with the holder**
16 **for a period of at least three years including a period of at least 30 days after the holder has**
17 **sent both notices described in subsections (3) and (4) of this section.**

18 (3) **Before presuming a security or distribution abandoned, the holder must first send**
19 **notice to the owner:**

20 (a) **If the holder customarily communicates with the owner only by electronic mail:**

21 (A) **By electronic mail; and**

22 (B) **By written notice, only if:**

23 (i) **The holder believes that the owner's electronic mail address in the holder's records**
24 **is not valid; or**

25 (ii) **The holder receives notification that the electronic mail communication sent under**
26 **this paragraph was not received; or**

27 (b) **If the holder does not customarily communicate with the owner only by electronic**
28 **mail:**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (A) By written notice; and

2 (B) If the holder has the owner's electronic mail address and believes it to be valid, by
3 electronic mail.

4 (4) After giving all notices required under subsection (3) of this section, before the se-
5 curity or distribution may be presumed abandoned, the holder must send an additional writ-
6 ten notice to the owner when:

7 (a) The written notice, if any was given under subsection (3) of this section, is returned
8 to the holder as undeliverable; or

9 (b) The holder has received no response for 30 days after giving the notice required under
10 subsection (3) of this section.

11 (5) A security or distribution is presumed abandoned three years after the date of the
12 death of the owner, as may be determined or presumed by the holder if:

13 (a) The holder is notified of the owner's death by an administrator, beneficiary, relative
14 or trustee, or by a personal representative or other legal representative of the owner's es-
15 tate;

16 (b) The holder receives a copy of the death certificate of the owner;

17 (c) The holder can reasonably conclude the owner is deceased; or

18 (d) The holder confirms through other means that the owner is deceased.

19 (6) When a security is presumed abandoned under this section, any unclaimed distrib-
20 ution arising under the security, whether before, on or after the presumption of abandon-
21 ment, is also presumed abandoned.

22 (7) A distribution is presumed abandoned if:

23 (a) Three years have passed since the date the distribution was issued;

24 (b) The owner has not claimed the distribution or communicated with the holder con-
25 cerning the distribution; and

26 (c) The holder has attempted to confirm the owner's interest in the distribution in writ-
27 ing, including by electronic mail if the holder customarily communicates with the owner only
28 by electronic mail.

29 *[(1) Stock, certificates of ownership or other intangible equity ownership interests in a business
30 association are presumed abandoned when all of the following occur:]*

31 *[(a) The interest is evidenced by records of the business association.]*

32 *[(b) A dividend, distribution or other sum payable as a result of the interest has remained un-
33 claimed for three years.]*

34 *[(c) The owner has not otherwise communicated with the business association for three years from
35 the date the sum was payable.]*

36 *[(d) The business association has sent written notice of the payment and underlying interest to the
37 owner at the last-known address of the owner as shown in the records of the business association.]*

38 *[(2) With respect to any interest presumed abandoned under subsection (1) of this section, the
39 business association is the holder.]*

40 *[(3) At the time an interest is presumed abandoned under subsection (1) of this section, any pay-
41 ment then held for or owing to the owner as a result of the interest is also presumed abandoned.]*

42 *[(4) Subsection (1) of this section shall not apply to any stock, certificate of ownership or other in-
43 tangible equity ownership interests in a business association that provides for the automatic reinvest-
44 ment of dividends, distributions or other sums payable as a result of the interests, unless:]*

45 *[(a) The records of the business association show that the person also owns any stock, certificate*

1 of ownership or other intangible equity ownership interest in the business association that is not en-
 2 rolled in the reinvestment plan; and]

3 [(b) The interest referred to in paragraph (a) of this subsection has been presumed abandoned un-
 4 der subsection (1) of this section.]

5 [(5) Any dividend, profit distribution, interest, payment on principal or other sum held or owing
 6 by a business association is presumed abandoned if, within three years after the date prescribed for
 7 payment, all of the following have occurred:]

8 [(a) The owner has not claimed the payment or corresponded in writing with the business associ-
 9 ation concerning the payment.]

10 [(b) The business association has sent written notice of the payment to the owner at the last-known
 11 address of the owner as shown in the records of the business association.]

12 **SECTION 2.** ORS 98.362 is amended to read:

13 98.362. (1) The holder of [*an intangible equity ownership interest*] **a security or distribution**
 14 presumed abandoned under ORS 98.322 shall deliver a certificate of ownership or other evidence of
 15 ownership to the State Treasurer as follows:

16 (a) The original certificate shall be delivered to the State Treasurer when it is held by the
 17 [*business association, transfer agent, registrar*] **holder** or other person acting on behalf of the [*busi-*
 18 *ness association*] **holder**.

19 (b) A duplicate certificate shall be issued to the State Treasurer when the [*business association,*
 20 *transfer agent, registrar or other person acting on behalf of the holder does not hold*] **holder does not**
 21 **exercise control over** the original.

22 (2) After issuance of a duplicate certificate under subsection (1) of this section, the rights of a
 23 protected purchaser of the original certificate are governed by ORS 78.4050. In such event, the
 24 protected purchaser may seek recovery against the State Treasurer to the extent allowed under the
 25 Oregon Constitution.

26 **SECTION 3.** ORS 98.334 is amended to read:

27 98.334. (1) **As used in this section, “wages” means wages, commissions, bonuses or re-**
 28 **imbursements to which an employee is entitled as an owner, or other compensation for**
 29 **personal services, other than amounts held in a payroll card.**

30 (2) Unpaid wages, including wages represented by un-presented payroll checks, owing in the or-
 31 dinary course of the holder’s business [*which*] **that** remain unclaimed by the owner for more than
 32 [*three years*] **one year** after becoming payable are presumed abandoned.

33 **SECTION 4.** ORS 98.336 is amended to read:

34 98.336. (1) Intangible property, including uncashed warrants [*and wages represented by unpres-*
 35 *ented payroll checks*], held for the owner by a court, state or other government, governmental sub-
 36 division or agency, public corporation[,] or public authority[,] that [*has remained*] **remains**
 37 unclaimed by the owner for more than two years is presumed abandoned.

38 (2) Tangible property held for the owner by a court, state or other government, governmental
 39 subdivision or agency, law enforcement agency, public corporation or public authority that [*has re-*
 40 *mained*] **remains** unclaimed by the owner for more than two years is presumed abandoned.

41 **SECTION 5.** ORS 98.372 is amended to read:

42 98.372. (1) The owner is not entitled to receive income or other increments that have accrued
 43 on the property after the property is [*paid or delivered to*] **sold by** the State Treasurer under ORS
 44 [*98.352*] **98.382.**

45 (2) **The State Treasurer shall credit an owner with any distribution, as defined in ORS**

1 **98.322, or any other discrete income generated by the property, that accrues between the**
 2 **date the property is paid or delivered to the State Treasurer and the date the property is sold**
 3 **under ORS 98.382.**

4 **(3) Any distribution or income received by the State Treasurer under subsection (2) of**
 5 **this section may be deposited under ORS 98.386. The State Treasurer is not obligated to re-**
 6 **invest any distribution or income into the corpus of the unsold property.**

7 **SECTION 6.** ORS 192.355, as amended by section 5, chapter 60, Oregon Laws 2022, is amended
 8 to read:

9 192.355. The following public records are exempt from disclosure under ORS 192.311 to 192.478:

10 (1) Communications within a public body or between public bodies of an advisory nature to the
 11 extent that they cover other than purely factual materials and are preliminary to any final agency
 12 determination of policy or action. This exemption shall not apply unless the public body shows that
 13 in the particular instance the public interest in encouraging frank communication between officials
 14 and employees of public bodies clearly outweighs the public interest in disclosure.

15 (2)(a) Information of a personal nature such as but not limited to that kept in a personal, med-
 16 ical or similar file, if public disclosure would constitute an unreasonable invasion of privacy, unless
 17 the public interest by clear and convincing evidence requires disclosure in the particular instance.
 18 The party seeking disclosure shall have the burden of showing that public disclosure would not
 19 constitute an unreasonable invasion of privacy.

20 (b) Images of a dead body, or parts of a dead body, that are part of a law enforcement agency
 21 investigation, if public disclosure would create an unreasonable invasion of privacy of the family of
 22 the deceased person, unless the public interest by clear and convincing evidence requires disclosure
 23 in the particular instance. The party seeking disclosure shall have the burden of showing that public
 24 disclosure would not constitute an unreasonable invasion of privacy.

25 (3) Upon compliance with ORS 192.363, public body employee or volunteer residential addresses,
 26 residential telephone numbers, personal cellular telephone numbers, personal electronic mail ad-
 27 dresses, driver license numbers, employer-issued identification card numbers, emergency contact in-
 28 formation, Social Security numbers, dates of birth and other telephone numbers contained in
 29 personnel records maintained by the public body that is the employer or the recipient of volunteer
 30 services. This exemption:

31 (a) Does not apply to the addresses, dates of birth and telephone numbers of employees or vol-
 32 unteers who are elected officials, except that a judge or district attorney subject to election may
 33 seek to exempt the judge's or district attorney's address or telephone number, or both, under the
 34 terms of ORS 192.368;

35 (b) Does not apply to employees or volunteers to the extent that the party seeking disclosure
 36 shows by clear and convincing evidence that the public interest requires disclosure in a particular
 37 instance pursuant to ORS 192.363;

38 (c) Does not apply to a substitute teacher as defined in ORS 342.815 when requested by a pro-
 39 fessional education association of which the substitute teacher may be a member; and

40 (d) Does not relieve a public employer of any duty under ORS 243.650 to 243.809.

41 (4) Information submitted to a public body in confidence and not otherwise required by law to
 42 be submitted, where such information should reasonably be considered confidential, the public body
 43 has obliged itself in good faith not to disclose the information, and when the public interest would
 44 suffer by the disclosure.

45 (5) Information or records of the Department of Corrections, including the State Board of Parole

1 and Post-Prison Supervision, to the extent that disclosure would interfere with the rehabilitation of
 2 a person in custody of the department or substantially prejudice or prevent the carrying out of the
 3 functions of the department, if the public interest in confidentiality clearly outweighs the public in-
 4 terest in disclosure.

5 (6) Records, reports and other information received or compiled by the Director of the Depart-
 6 ment of Consumer and Business Services in the administration of ORS chapters 723 and 725 not
 7 otherwise required by law to be made public, to the extent that the interests of lending institutions,
 8 their officers, employees and customers in preserving the confidentiality of such information out-
 9 weighs the public interest in disclosure.

10 (7) Reports made to or filed with the court under ORS 137.077 or 137.530.

11 (8) Any public records or information the disclosure of which is prohibited by federal law or
 12 regulations.

13 (9)(a) Public records or information the disclosure of which is prohibited or restricted or other-
 14 wise made confidential or privileged under Oregon law.

15 (b) Subject to ORS 192.360, paragraph (a) of this subsection does not apply to factual information
 16 compiled in a public record when:

17 (A) The basis for the claim of exemption is ORS 40.225;

18 (B) The factual information is not prohibited from disclosure under any applicable state or fed-
 19 eral law, regulation or court order and is not otherwise exempt from disclosure under ORS 192.311
 20 to 192.478;

21 (C) The factual information was compiled by or at the direction of an attorney as part of an
 22 investigation on behalf of the public body in response to information of possible wrongdoing by the
 23 public body;

24 (D) The factual information was not compiled in preparation for litigation, arbitration or an
 25 administrative proceeding that was reasonably likely to be initiated or that has been initiated by
 26 or against the public body; and

27 (E) The holder of the privilege under ORS 40.225 has made or authorized a public statement
 28 characterizing or partially disclosing the factual information compiled by or at the attorney's di-
 29 rection.

30 (10) Public records or information described in this section, furnished by the public body ori-
 31 ginally compiling, preparing or receiving them to any other public officer or public body in con-
 32 nection with performance of the duties of the recipient, if the considerations originally giving rise
 33 to the confidential or exempt nature of the public records or information remain applicable.

34 (11) Records of the Energy Facility Siting Council concerning the review or approval of security
 35 programs pursuant to ORS 469.530.

36 (12) Employee and retiree address, telephone number and other nonfinancial membership records
 37 and employee financial records maintained by the Public Employees Retirement System pursuant to
 38 ORS chapters 238 and 238A.

39 (13) Records of or submitted to the State Treasurer, the Oregon Investment Council or the
 40 agents of the treasurer or the council relating to active or proposed publicly traded investments
 41 under ORS chapter 293, including but not limited to records regarding the acquisition, exchange or
 42 liquidation of the investments. For the purposes of this subsection:

43 (a) The exemption does not apply to:

44 (A) Information in investment records solely related to the amount paid directly into an invest-
 45 ment by, or returned from the investment directly to, the treasurer or council; or

1 (B) The identity of the entity to which the amount was paid directly or from which the amount
2 was received directly.

3 (b) An investment in a publicly traded investment is no longer active when acquisition, exchange
4 or liquidation of the investment has been concluded.

5 (14)(a) Records of or submitted to the State Treasurer, the Oregon Investment Council, the
6 Oregon Growth Board or the agents of the treasurer, council or board relating to actual or proposed
7 investments under ORS chapter 293 or 348 in a privately placed investment fund or a private asset
8 including but not limited to records regarding the solicitation, acquisition, deployment, exchange or
9 liquidation of the investments including but not limited to:

10 (A) Due diligence materials that are proprietary to an investment fund, to an asset ownership
11 or to their respective investment vehicles.

12 (B) Financial statements of an investment fund, an asset ownership or their respective invest-
13 ment vehicles.

14 (C) Meeting materials of an investment fund, an asset ownership or their respective investment
15 vehicles.

16 (D) Records containing information regarding the portfolio positions in which an investment
17 fund, an asset ownership or their respective investment vehicles invest.

18 (E) Capital call and distribution notices of an investment fund, an asset ownership or their re-
19 spective investment vehicles.

20 (F) Investment agreements and related documents.

21 (b) The exemption under this subsection does not apply to:

22 (A) The name, address and vintage year of each privately placed investment fund.

23 (B) The dollar amount of the commitment made to each privately placed investment fund since
24 inception of the fund.

25 (C) The dollar amount of cash contributions made to each privately placed investment fund since
26 inception of the fund.

27 (D) The dollar amount, on a fiscal year-end basis, of cash distributions received by the State
28 Treasurer, the Oregon Investment Council, the Oregon Growth Board or the agents of the treasurer,
29 council or board from each privately placed investment fund.

30 (E) The dollar amount, on a fiscal year-end basis, of the remaining value of assets in a privately
31 placed investment fund attributable to an investment by the State Treasurer, the Oregon Investment
32 Council, the Oregon Growth Board or the agents of the treasurer, council or board.

33 (F) The net internal rate of return of each privately placed investment fund since inception of
34 the fund.

35 (G) The investment multiple of each privately placed investment fund since inception of the fund.

36 (H) The dollar amount of the total management fees and costs paid on an annual fiscal year-end
37 basis to each privately placed investment fund.

38 (I) The dollar amount of cash profit received from each privately placed investment fund on a
39 fiscal year-end basis.

40 (15) The monthly reports prepared and submitted under ORS 293.761 and 293.766 concerning the
41 Public Employees Retirement Fund and the Industrial Accident Fund may be uniformly treated as
42 exempt from disclosure for a period of up to 90 days after the end of the calendar quarter.

43 (16) Reports of unclaimed property filed by the holders of such property to the extent permitted
44 by ORS 98.352.

45 (17)(a) The following records, communications and information submitted to the Oregon Business

1 Development Commission, the Oregon Business Development Department, the State Department of
 2 Agriculture, the Oregon Growth Board, the Port of Portland or other ports as defined in ORS
 3 777.005, or a county or city governing body and any board, department, commission, council or
 4 agency thereof, by applicants for investment funds, grants, loans, services or economic development
 5 moneys, support or assistance including, but not limited to, those described in ORS 285A.224:

6 (A) Personal financial statements.

7 (B) Financial statements of applicants.

8 (C) Customer lists.

9 (D) Information of an applicant pertaining to litigation to which the applicant is a party if the
 10 complaint has been filed, or if the complaint has not been filed, if the applicant shows that such
 11 litigation is reasonably likely to occur; this exemption does not apply to litigation which has been
 12 concluded, and nothing in this subparagraph shall limit any right or opportunity granted by discov-
 13 ery or deposition statutes to a party to litigation or potential litigation.

14 (E) Production, sales and cost data.

15 (F) Marketing strategy information that relates to applicant's plan to address specific markets
 16 and applicant's strategy regarding specific competitors.

17 (b) The following records, communications and information submitted to the State Department
 18 of Energy by applicants for tax credits or for grants awarded under ORS 469B.256:

19 (A) Personal financial statements.

20 (B) Financial statements of applicants.

21 (C) Customer lists.

22 (D) Information of an applicant pertaining to litigation to which the applicant is a party if the
 23 complaint has been filed, or if the complaint has not been filed, if the applicant shows that such
 24 litigation is reasonably likely to occur; this exemption does not apply to litigation which has been
 25 concluded, and nothing in this subparagraph shall limit any right or opportunity granted by discov-
 26 ery or deposition statutes to a party to litigation or potential litigation.

27 (E) Production, sales and cost data.

28 (F) Marketing strategy information that relates to applicant's plan to address specific markets
 29 and applicant's strategy regarding specific competitors.

30 (18) Records, reports or returns submitted by private concerns or enterprises required by law
 31 to be submitted to or inspected by a governmental body to allow it to determine the amount of any
 32 transient lodging tax payable and the amounts of such tax payable or paid, to the extent that such
 33 information is in a form which would permit identification of the individual concern or enterprise.
 34 Nothing in this subsection shall limit the use which can be made of such information for regulatory
 35 purposes or its admissibility in any enforcement proceedings. The public body shall notify the tax-
 36 payer of the delinquency immediately by certified mail. However, in the event that the payment or
 37 delivery of transient lodging taxes otherwise due to a public body is delinquent by over 60 days, the
 38 public body shall disclose, upon the request of any person, the following information:

39 (a) The identity of the individual concern or enterprise that is delinquent over 60 days in the
 40 payment or delivery of the taxes.

41 (b) The period for which the taxes are delinquent.

42 (c) The actual, or estimated, amount of the delinquency.

43 (19) All information supplied by a person under ORS 151.485 for the purpose of requesting ap-
 44 pointed counsel, and all information supplied to the court from whatever source for the purpose of
 45 verifying the financial eligibility of a person pursuant to ORS 151.485.

1 (20) Workers' compensation claim records of the Department of Consumer and Business Services,
 2 except in accordance with rules adopted by the Director of the Department of Consumer and Busi-
 3 ness Services, in any of the following circumstances:

4 (a) When necessary for insurers, self-insured employers and third party claim administrators to
 5 process workers' compensation claims.

6 (b) When necessary for the director, other governmental agencies of this state or the United
 7 States to carry out their duties, functions or powers.

8 (c) When the disclosure is made in such a manner that the disclosed information cannot be used
 9 to identify any worker who is the subject of a claim.

10 (d) When a worker or the worker's representative requests review of the worker's claim record.

11 (21) Sensitive business records or financial or commercial information of the Oregon Health and
 12 Science University that is not customarily provided to business competitors.

13 (22) Records of Oregon Health and Science University regarding candidates for the position of
 14 president of the university.

15 (23) The records of a library, including:

16 (a) Circulation records, showing use of specific library material by a named person;

17 (b) The name of a library patron together with the address or telephone number of the patron;
 18 and

19 (c) The electronic mail address of a patron.

20 (24) The following records, communications and information obtained by the Housing and Com-
 21 munity Services Department in connection with the department's monitoring or administration of
 22 financial assistance or of housing or other developments:

23 (a) Personal and corporate financial statements and information, including tax returns.

24 (b) Credit reports.

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

28 (d) Market studies and analyses.

29 (e) Articles of incorporation, partnership agreements and operating agreements.

30 (f) Commitment letters.

31 (g) Project pro forma statements.

32 (h) Project cost certifications and cost data.

33 (i) Audits.

34 (j) Project tenant correspondence.

35 (k) Personal information about a tenant.

36 (L) Housing assistance payments.

37 (25) Raster geographic information system (GIS) digital databases, provided by private forestland
 38 owners or their representatives, voluntarily and in confidence to the State Forestry Department,
 39 that is not otherwise required by law to be submitted.

40 (26) Sensitive business, commercial or financial information furnished to or developed by a
 41 public body engaged in the business of providing electricity or electricity services, if the information
 42 is directly related to a transaction described in ORS 261.348, or if the information is directly related
 43 to a bid, proposal or negotiations for the sale or purchase of electricity or electricity services, and
 44 disclosure of the information would cause a competitive disadvantage for the public body or its re-
 45 tail electricity customers. This subsection does not apply to cost-of-service studies used in the de-

1 velopment or review of generally applicable rate schedules.

2 (27) Sensitive business, commercial or financial information furnished to or developed by the
 3 City of Klamath Falls, acting solely in connection with the ownership and operation of the Klamath
 4 Cogeneration Project, if the information is directly related to a transaction described in ORS 225.085
 5 and disclosure of the information would cause a competitive disadvantage for the Klamath
 6 Cogeneration Project. This subsection does not apply to cost-of-service studies used in the develop-
 7 ment or review of generally applicable rate schedules.

8 (28) Personally identifiable information about customers of a municipal electric utility or a
 9 people's utility district or the names, dates of birth, driver license numbers, telephone numbers,
 10 electronic mail addresses or Social Security numbers of customers who receive water, sewer or
 11 storm drain services from a public body as defined in ORS 174.109. The utility or district may re-
 12 lease personally identifiable information about a customer, and a public body providing water, sewer
 13 or storm drain services may release the name, date of birth, driver license number, telephone num-
 14 ber, electronic mail address or Social Security number of a customer, if the customer consents in
 15 writing or electronically, if the disclosure is necessary for the utility, district or other public body
 16 to render services to the customer, if the disclosure is required pursuant to a court order or if the
 17 disclosure is otherwise required by federal or state law. The utility, district or other public body
 18 may charge as appropriate for the costs of providing such information. The utility, district or other
 19 public body may make customer records available to third party credit agencies on a regular basis
 20 in connection with the establishment and management of customer accounts or in the event such
 21 accounts are delinquent.

22 (29) A record of the street and number of an employee's address submitted to a special district
 23 to obtain assistance in promoting an alternative to single occupant motor vehicle transportation.

24 (30) Sensitive business records, capital development plans or financial or commercial information
 25 of Oregon Corrections Enterprises that is not customarily provided to business competitors.

26 (31) Documents, materials or other information submitted to the Director of the Department of
 27 Consumer and Business Services in confidence by a state, federal, foreign or international regulatory
 28 or law enforcement agency or by the National Association of Insurance Commissioners, its affiliates
 29 or subsidiaries under ORS 86A.095 to 86A.198, 697.005 to 697.095, 697.602 to 697.842, 705.137, 717.200
 30 to 717.320, 717.900 or 717.905, ORS chapter 59, 723, 725 or 726, the Bank Act or the Insurance Code
 31 when:

32 (a) The document, material or other information is received upon notice or with an under-
 33 standing that it is confidential or privileged under the laws of the jurisdiction that is the source of
 34 the document, material or other information; and

35 (b) The director has obligated the Department of Consumer and Business Services not to dis-
 36 close the document, material or other information.

37 (32) A county elections security plan developed and filed under ORS 254.074.

38 (33) Information about review or approval of programs relating to the security of:

39 (a) Generation, storage or conveyance of:

40 (A) Electricity;

41 (B) Gas in liquefied or gaseous form;

42 (C) Hazardous substances as defined in ORS 453.005 (7)(a), (b) and (d);

43 (D) Petroleum products;

44 (E) Sewage; or

45 (F) Water.

1 (b) Telecommunication systems, including cellular, wireless or radio systems.

2 (c) Data transmissions by whatever means provided.

3 (34) The information specified in ORS 25.020 (8) if the Chief Justice of the Supreme Court des-
4 ignates the information as confidential by rule under ORS 1.002.

5 (35)(a) Employer account records of the State Accident Insurance Fund Corporation.

6 (b) As used in this subsection, “employer account records” means all records maintained in any
7 form that are specifically related to the account of any employer insured, previously insured or un-
8 der consideration to be insured by the State Accident Insurance Fund Corporation and any infor-
9 mation obtained or developed by the corporation in connection with providing, offering to provide
10 or declining to provide insurance to a specific employer. “Employer account records” includes, but
11 is not limited to, an employer’s payroll records, premium payment history, payroll classifications,
12 employee names and identification information, experience modification factors, loss experience and
13 dividend payment history.

14 (c) The exemption provided by this subsection may not serve as the basis for opposition to the
15 discovery documents in litigation pursuant to applicable rules of civil procedure.

16 (36)(a) Claimant files of the State Accident Insurance Fund Corporation.

17 (b) As used in this subsection, “claimant files” includes, but is not limited to, all records held
18 by the corporation pertaining to a person who has made a claim, as defined in ORS 656.005, and all
19 records pertaining to such a claim.

20 (c) The exemption provided by this subsection may not serve as the basis for opposition to the
21 discovery documents in litigation pursuant to applicable rules of civil procedure.

22 (37) Except as authorized by ORS 408.425, records that certify or verify an individual’s discharge
23 or other separation from military service.

24 (38) Records of or submitted to a domestic violence service or resource center that relate to the
25 name or personal information of an individual who visits a center for service, including the date of
26 service, the type of service received, referrals or contact information or personal information of a
27 family member of the individual. As used in this subsection, “domestic violence service or resource
28 center” means an entity, the primary purpose of which is to assist persons affected by domestic or
29 sexual violence by providing referrals, resource information or other assistance specifically of ben-
30 efit to domestic or sexual violence victims.

31 (39) Information reported to the Oregon Health Authority under ORS 431A.860, except as pro-
32 vided in ORS 431A.865 (3)(b), information disclosed by the authority under ORS 431A.865 and any
33 information related to disclosures made by the authority under ORS 431A.865, including information
34 identifying the recipient of the information.

35 (40)(a) Electronic mail addresses in the possession or custody of an agency or subdivision of the
36 executive department, as defined in ORS 174.112, the legislative department, as defined in ORS
37 174.114, a local government or local service district, as defined in ORS 174.116, or a special gov-
38 ernment body, as defined in ORS 174.117.

39 (b) This subsection does not apply to electronic mail addresses assigned by a public body to
40 public employees for use by the employees in the ordinary course of their employment.

41 (c) This subsection and ORS 244.040 do not prohibit the campaign office of the current
42 officeholder or current candidates who have filed to run for that elective office from receiving upon
43 request the electronic mail addresses used by the current officeholder’s legislative office for news-
44 letter distribution, except that a campaign office that receives electronic mail addresses under this
45 paragraph may not make a further disclosure of those electronic mail addresses to any other person.

1 (41) Residential addresses, residential telephone numbers, personal cellular telephone numbers,
 2 personal electronic mail addresses, driver license numbers, emergency contact information, Social
 3 Security numbers, dates of birth and other telephone numbers of individuals currently or previously
 4 certified or licensed by the Department of Public Safety Standards and Training contained in the
 5 records maintained by the department.

6 (42) Personally identifiable information and contact information of veterans as defined in ORS
 7 408.225 and of persons serving on active duty or as reserve members with the Armed Forces of the
 8 United States, National Guard or other reserve component that was obtained by the Department of
 9 Veterans' Affairs in the course of performing its duties and functions, including but not limited to
 10 names, residential and employment addresses, dates of birth, driver license numbers, telephone
 11 numbers, electronic mail addresses, Social Security numbers, marital status, dependents, the char-
 12 acter of discharge from military service, military rating or rank, that the person is a veteran or has
 13 provided military service, information relating to an application for or receipt of federal or state
 14 benefits, information relating to the basis for receipt or denial of federal or state benefits and in-
 15 formation relating to a home loan or grant application, including but not limited to financial infor-
 16 mation provided in connection with the application.

17 (43) Business, commercial, financial, operational and research data and information, including
 18 but not limited to pricing, intellectual property and customer records, furnished to, developed by or
 19 generated in connection with the ownership and operation of an unmanned aerial system test range,
 20 if disclosure of the information would cause a competitive disadvantage to the test range or its us-
 21 ers.

22 (44) Personally identifiable information about a child under the age of 16 years that is submitted
 23 to the State Fish and Wildlife Commission or an agent of the commission to obtain a license, tag
 24 or permit under the wildlife laws.

25 (45) Proprietary information subject to a nondisclosure agreement that is provided to the Oregon
 26 Broadband Office pursuant to section 4, chapter 60, Oregon Laws 2022.

27 **(46) With respect to records held by the State Treasurer relating to unclaimed properties**
 28 **under ORS 98.302 to 98.436:**

29 **(a) All materials or communications received during an examination under ORS 98.412**
 30 **(2) and (3), except to the extent that the information in the materials or communications**
 31 **appears within a report under ORS 98.412 (4) or 98.352 and the information is not otherwise**
 32 **exempt under ORS 98.352 (4); and**

33 **(b) Information in or supporting claims to unclaimed property under ORS 98.392, except**
 34 **to the extent that the claimant consents to the information's disclosure.**

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