



The League of Women Voters of Oregon, established in 1920, is a grassroots nonpartisan political organization that encourages informed and active participation in government. We envision informed Oregonians participating in a fully accessible, responsive, and transparent government to achieve the common good. LWVOR Legislative Action is based on advocacy positions formed through studies and member consensus. The League never supports or opposes any candidate or political party.

February 7, 2023

To: [Senator Kate Lieber](#), Chair
[Senate Rules Committee](#)

Re: [SB 417](#) – Public records requests; costs and fee waivers – **Support**

The League supports fully accessible, responsive, and transparent government operations. SB 417 calls for frugal, efficient public records request delivery, with understanding of costs involved. It addresses waiving fees when requests serve the public interest. The League supports this from LWVOR positions for efficiency in government and citizen access to information, balancing our cybersecurity positions for privacy and transparency. See our 2017 testimony for these bills: [HB 2101](#), [HB 481](#), and [SB 106](#). We advocate for this as a media source, providing public candidate and ballot measure information to voters for over 100 years. We are interested in three points: public records request costs, fee waivers in the public interest for media (defined), and public bodies' ability to provide services.

Public records request costs and fees have been serious concerns. Records must be cleared through extensive disclosure exemptions, for example those in current litigation, for safety or privacy. Heavy fees accrue as attorneys cross-reference records for compliance and then redact them. The League worked with a 1993 legislative task force, trying to organize the then 20-year old statute to codify 3,450 exemptions. By 2017, some 550 exemptions remained. This bill calls for review by the “lowest-paid employee capable”, possibly costing public bodies less than full attorney fee rates.

Media definitions & waivers. In 2017, we called for defining “the press” for fee waivers, and are pleased to see media defined, their requests presumed to be in the public interest, and their fees to be waived. Requires custodian to furnish copy of public record without charge if disclosure primarily benefits general public unless disclosure outweighed by substantial prejudice to custodian or if waiver would prevent custodian from performing other required functions.

Public bodies decide. The League is sensitive to revenue impacts, here to fiscal vulnerability to broad public records requests, which may have harmful intent. Our [Cybersecurity work](#) cites “[Should We See Everything a Cop Sees?](#)”, NYTs, 2017, and in LWVOR’s [Legislative Report](#), “[Oregon voter offices flooded with records requests...](#)” OregonLive, 2023. We respect public bodies retaining “broad discretion” for fee waivers, especially if a waiver would prevent them from carrying out their primary public functions. We are urging elsewhere for improved workforce development that can help here. Policy and practice must align.

We urge your Support for SB 417. Thank you for the opportunity to discuss this legislation.

Handwritten signature of Rebecca Gladstone in black ink.

Rebecca Gladstone
Privacy and Cybersecurity
President LWVOR

Handwritten signature of Norman Turrill in black ink.

Norman Turrill
Governance Portfolio