

House Bill 3213

Sponsored by Representative CHAICHI; Representatives EVANS, GAMBA, GOMBERG, HUDSON, NATHANSON, RUIZ, SOSA, WALTERS, Senator FREDERICK (Presession filed.)

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act applies public records laws to higher learning bodies. The Act tells higher learning bodies to post certain annual reports. The Act declares an emergency and becomes law when the Governor signs it. (Flesch Readability Score: 63.4).

Requires that public university foundations are subject to the public records laws of this state. Specifies the records that are exempt from disclosure. Specifies the records that are not exempt from disclosure. Requires public university foundations to release an annual report that is publicly available on the website maintained by the public university foundation.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to public records disclosure by public university foundations; creating new provisions;
3 amending ORS 192.311, 192.345 and 192.355; and declaring an emergency.

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

5 **SECTION 1.** ORS 192.311 is amended to read:

6 192.311. As used in ORS 192.311 to 192.478:

7 (1) "Business day" means a day other than Saturday, Sunday or a legal holiday and on which
8 at least one paid employee of the public body that received the public records request is scheduled
9 to and does report to work. In the case of a community college district, community college service
10 district, public university, school district or education service district, "business day" does not in-
11 clude any day on which the central administration offices of the district or university are closed.

12 (2) "Custodian" means:

13 (a) The person described in ORS 7.110 for purposes of court records; or

14 (b) A public body mandated, directly or indirectly, to create, maintain, care for or control a
15 public record. "Custodian" does not include a public body that has custody of a public record as
16 an agent of another public body that is the custodian unless the public record is not otherwise
17 available.

18 (3) "Person" includes any natural person, corporation, partnership, firm, association or member
19 or committee of the Legislative Assembly.

20 (4) "Public body" includes every state officer, agency, department, division, bureau, board and
21 commission; every county and city governing body, school district, special district, municipal cor-
22 poration, and any board, department, commission, council, or agency thereof; **any public university**
23 **foundation as defined in section 2 of this 2025 Act** and any other public agency of this state.

24 (5)(a) "Public record" includes any writing that contains information relating to the conduct of
25 the public's business, including but not limited to court records, mortgages, and deed records, pre-
26 pared, owned, used or retained by a public body regardless of physical form or characteristics.

27 (b) "Public record" does not include any writing that does not relate to the conduct of the

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 public's business and that is contained on a privately owned computer.

2 (6) "State agency" means any state officer, department, board, commission or court created by
 3 the Constitution or statutes of this state but does not include the Legislative Assembly or its mem-
 4 bers, committees, officers or employees insofar as they are exempt under section 9, Article IV of the
 5 Oregon Constitution.

6 (7) "Writing" means handwriting, typewriting, printing, photographing and every means of re-
 7 cording, including letters, words, pictures, sounds, or symbols, or combination thereof, and all pa-
 8 pers, maps, files, facsimiles or electronic recordings.

9 **SECTION 2. (1) As used in this section, "public university foundation" means any not-**
 10 **for-profit corporation, association or institution or a charitable organization that is:**

11 (a) **Organized and operated exclusively for the purpose of supporting one or more public**
 12 **universities listed in ORS 352.002;**

13 (b) **Formed under the laws of this state; and**

14 (c) **Exempt from taxation under section 501(c)(3) of the Internal Revenue Code.**

15 (2) **Except as provided in this section, a public university foundation is subject to the**
 16 **provisions of ORS 192.311 to 192.478.**

17 (3) **The following records maintained by a public university foundation are not subject to**
 18 **disclosure under ORS 192.311 to 192.478:**

19 (a) **Information that would disclose the identity of a donor, prospective donor or volun-**
 20 **teer.**

21 (b) **Personal financial information, estate planning information or gift planning informa-**
 22 **tion of a donor, prospective donor or volunteer.**

23 (c) **Personal information related to any of a donor's private trusts or a donor's private**
 24 **annuities administered by the public university foundation.**

25 (d) **Information related to fundraising plans, fundraising research and solicitation strat-**
 26 **egies to the extent those activities are not already protected from disclosure.**

27 (e) **Communications which discuss investment strategy or other self-management strat-**
 28 **egy.**

29 (4) **Nothing in subsection (3) of this section exempts from disclosure records that con-**
 30 **tain:**

31 (a) **The amount and date of a donation;**

32 (b) **Any donor-designated use or purpose of a donation;**

33 (c) **Any other donor-imposed restriction on the use of a donation;**

34 (d) **The identity of a donor who, in any fiscal year, makes a gift in a quid pro quo ar-**
 35 **rangement, where either the value of the benefit received is in excess of \$2,500 or the benefit**
 36 **would be impermissible under federal law or the laws of this state;**

37 (e) **The identity of a donor who makes a gift in a quid pro quo arrangement with an ex-**
 38 **pressed intent, purpose or goal of directing, altering, influencing or otherwise impacting**
 39 **student academic curriculum or learning outcomes;**

40 (f) **Self-dealing transactions, including loans of money or property, or material financial**
 41 **interests of or between public university foundation officers or directors and a public uni-**
 42 **versity foundation; or**

43 (g) **Any instance in which a volunteer or donor of a gift is awarded, within five years of**
 44 **the date of the voluntary service or gift, a contract from the public university foundation**
 45 **or public university that was not subject to competitive bidding.**

1 **(5) A public university foundation shall release an annual report and any supporting or**
 2 **supplemental documents regarding public university foundation expenses and operations on**
 3 **or before November 1 of each year. The annual report required under this subsection must**
 4 **be available to the public through the website maintained by the public university foundation**
 5 **and must include:**

6 **(a) The total annual expenditures by the public university foundation;**

7 **(b) The percentage of expenditures by the public university foundation used for:**

8 **(A) Scholarships or financial aid;**

9 **(B) Faculty compensation;**

10 **(C) University program costs;**

11 **(D) Equipment and technology;**

12 **(E) Administrative support; and**

13 **(F) Executive compensation;**

14 **(c) An annual audit, including audited financials and annual disclosure of financial in-**
 15 **vestment holding in accordance with any applicable regulation and following generally ac-**
 16 **cepted accounting principles and any longer-term liability; and**

17 **(d) A list of all:**

18 **(A) Contracts, including the amount, purpose and identifying vendor information;**

19 **(B) Subsidiaries, including the purpose and major activities of those subsidiaries; and**

20 **(C) Foundation employees by name, campus, job location, salary, job title and compen-**
 21 **sation.**

22 **(6) A public university foundation may order, arrange and present the annual report re-**
 23 **quired under subsection (5) of this section and any supporting or supplemental documents**
 24 **in the manner determined by the public university foundation.**

25 **SECTION 3.** ORS 192.345 is amended to read:

26 192.345. The following public records are exempt from disclosure under ORS 192.311 to 192.478
 27 unless the public interest requires disclosure in the particular instance:

28 (1) Records of a public body pertaining to litigation to which the public body is a party if the
 29 complaint has been filed, or if the complaint has not been filed, if the public body shows that such
 30 litigation is reasonably likely to occur. This exemption does not apply to litigation which has been
 31 concluded, and nothing in this subsection shall limit any right or opportunity granted by discovery
 32 or deposition statutes to a party to litigation or potential litigation.

33 (2) Trade secrets. "Trade secrets," as used in this section, may include, but are not limited to,
 34 any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or
 35 compilation of information which is not patented, which is known only to certain individuals within
 36 an organization and which is used in a business it conducts, having actual or potential commercial
 37 value, and which gives its user an opportunity to obtain a business advantage over competitors who
 38 do not know or use it.

39 (3) Investigatory information compiled for criminal law purposes. The record of an arrest or the
 40 report of a crime shall be disclosed unless and only for so long as there is a clear need to delay
 41 disclosure in the course of a specific investigation, including the need to protect the complaining
 42 party or the victim. Nothing in this subsection shall limit any right constitutionally guaranteed, or
 43 granted by statute, to disclosure or discovery in criminal cases. For purposes of this subsection, the
 44 record of an arrest or the report of a crime includes, but is not limited to:

45 (a) The arrested person's name, age, residence, employment, marital status and similar bi-

1 ographical information;

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

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

4 (d) The identity of and biographical information concerning both complaining party and victim;

5 (e) The identity of the investigating and arresting agency and the length of the investigation;

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

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

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

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

23 (6) Information relating to the appraisal of real estate prior to its acquisition.

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

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

29 (9) Investigatory information relating to any complaint or charge filed under ORS 243.676 and
30 663.180.

31 (10) Records, reports and other information received or compiled by the Director of the De-
32 partment of Consumer and Business Services under ORS 697.732.

33 (11) Information concerning the location of archaeological sites or objects as those terms are
34 defined in ORS 358.905, except if the governing body of an Indian tribe requests the information and
35 the need for the information is related to that Indian tribe's cultural or religious activities. This
36 exemption does not include information relating to a site that is all or part of an existing, commonly
37 known and publicized tourist facility or attraction.

38 (12) A personnel discipline action, or materials or documents supporting that action.

39 (13) Fish and wildlife information developed pursuant to ORS 496.004, 496.172 and 498.026 or
40 ORS 496.192 and 564.100, regarding the habitat, location or population of any threatened species or
41 endangered species.

42 (14) Writings prepared by or under the direction of faculty of public educational institutions, in
43 connection with research, until publicly released, copyrighted or patented.

44 (15) Computer programs developed or purchased by or for any public body for its own use. As
45 used in this subsection, "computer program" means a series of instructions or statements which

1 permit the functioning of a computer system in a manner designed to provide storage, retrieval and
2 manipulation of data from such computer system, and any associated documentation and source
3 material that explain how to operate the computer program. "Computer program" does not include:

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

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

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

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

10 (17) Investigatory information relating to any complaint or charge filed under ORS chapter 654,
11 until a final administrative determination is made or, if a citation is issued, until an employer re-
12 ceives notice of any citation.

13 (18) Specific operational plans in connection with an anticipated threat to individual or public
14 safety for deployment and use of personnel and equipment, prepared or used by a public body, if
15 public disclosure of the plans would endanger an individual's life or physical safety or jeopardize a
16 law enforcement activity.

17 (19)(a) Audits or audit reports required of a telecommunications carrier. As used in this para-
18 graph, "audit or audit report" means any external or internal audit or audit report pertaining to a
19 telecommunications carrier, as defined in ORS 133.721, or pertaining to a corporation having an af-
20 filiated interest, as defined in ORS 759.390, with a telecommunications carrier that is intended to
21 make the operations of the entity more efficient, accurate or compliant with applicable rules, pro-
22 cedures or standards, that may include self-criticism and that has been filed by the telecommuni-
23 cations carrier or affiliate under compulsion of state law. "Audit or audit report" does not mean an
24 audit of a cost study that would be discoverable in a contested case proceeding and that is not
25 subject to a protective order; and

26 (b) Financial statements. As used in this paragraph, "financial statement" means a financial
27 statement of a nonregulated corporation having an affiliated interest, as defined in ORS 759.390,
28 with a telecommunications carrier, as defined in ORS 133.721.

29 (20) The residence address of an elector if authorized under ORS 247.965 and subject to ORS
30 247.967.

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

34 (a) Personal and corporate financial statements and information, including tax returns;

35 (b) Credit reports;

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

39 (d) Market studies and analyses;

40 (e) Articles of incorporation, partnership agreements and operating agreements;

41 (f) Commitment letters;

42 (g) Project pro forma statements;

43 (h) Project cost certifications and cost data;

44 (i) Audits;

45 (j) Project tenant correspondence requested to be confidential;

- 1 (k) Tenant files relating to certification; and
 2 (L) Housing assistance payment requests.
 3 (22) Records or information that, if disclosed, would allow a person to:
 4 (a) Gain unauthorized access to buildings or other property;
 5 (b) Identify those areas of structural or operational vulnerability that would permit unlawful
 6 disruption to, or interference with, services; or
 7 (c) Disrupt, interfere with or gain unauthorized access to public funds or to information pro-
 8 cessing, communication or telecommunication systems, including the information contained in the
 9 systems, that are used or operated by a public body.
 10 (23) Records or information that would reveal or otherwise identify security measures, or
 11 weaknesses or potential weaknesses in security measures, taken or recommended to be taken to
 12 protect:
 13 (a) An individual;
 14 (b) Buildings or other property;
 15 (c) Information processing, communication or telecommunication systems, including the infor-
 16 mation contained in the systems; or
 17 (d) Those operations of the Oregon State Lottery the security of which are subject to study and
 18 evaluation under ORS 461.180 (6).
 19 (24) Personal information held by or under the direction of officials of the Oregon Health and
 20 Science University, [or] a public university listed in ORS 352.002 **or a public university foundation**
 21 **as defined under section 2 of this 2025 Act** about a person who has or who is interested in do-
 22 nating money or property to the Oregon Health and Science University, [or] a public university **or,**
 23 **except as provided in section 2 of this 2025 Act, a public university foundation,** if the infor-
 24 mation is related to the family of the person, personal assets of the person or is incidental infor-
 25 mation not related to the donation.
 26 (25) The home address, professional address and telephone number of a person who has or who
 27 is interested in donating money or property to a public university listed in ORS 352.002 **or, except**
 28 **as provided in section 2 of this 2025 Act, a public university foundation as defined under**
 29 **section 2 of this 2025 Act.**
 30 (26) Records of the name and address of a person who files a report with or pays an assessment
 31 to a commodity commission established under ORS 576.051 to 576.455, the Oregon Beef Council
 32 created under ORS 577.210 or the Oregon Wheat Commission created under ORS 578.030.
 33 (27) Information provided to, obtained by or used by a public body to authorize, originate, re-
 34 ceive or authenticate a transfer of funds, including but not limited to a credit card number, payment
 35 card expiration date, password, financial institution account number and financial institution routing
 36 number.
 37 (28) Social Security numbers as provided in ORS 107.840.
 38 (29) The electronic mail address of a student who attends a public university listed in ORS
 39 352.002 or Oregon Health and Science University.
 40 (30) The name, home address, professional address or location of a person that is engaged in,
 41 or that provides goods or services for, medical research at Oregon Health and Science University
 42 that is conducted using animals other than rodents. This subsection does not apply to Oregon Health
 43 and Science University press releases, websites or other publications circulated to the general pub-
 44 lic.
 45 (31) If requested by a public safety officer, as defined in ORS 181A.355, or a county juvenile

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

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

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

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

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

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

16 (C) Applies until the officer or employee requests termination of the exemption;

17 (D) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for
 18 governmental purposes; and

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

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

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

29 (A) A warranty deed, deed of trust, mortgage, lien, deed of reconveyance, release, satisfaction,
 30 substitution of trustee, easement, dog license, marriage license or military discharge record that is
 31 in the possession of the county clerk; or

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

33 (b) The individual claiming the exemption from disclosure must be a district attorney, a deputy
 34 district attorney, the Attorney General or an assistant attorney general, the United States Attorney
 35 for the District of Oregon or an assistant United States attorney for the District of Oregon, a city
 36 attorney who engages in the prosecution of criminal matters or a deputy city attorney who engages
 37 in the prosecution of criminal matters.

38 (c) The individual claiming the exemption from disclosure must do so by filing the claim in
 39 writing with the public body for which the exemption from disclosure is being claimed on a form
 40 prescribed by the public body. Unless the claim is filed with the county clerk, the claim form shall
 41 list the public records in the possession of the public body to which the exemption applies. The ex-
 42 emption applies until the individual claiming the exemption requests termination of the exemption
 43 or ceases to qualify for the exemption.

44 (33) The following voluntary conservation agreements and reports:

45 (a) Land management plans required for voluntary stewardship agreements entered into under

1 ORS 541.973; and

2 (b) Written agreements relating to the conservation of greater sage grouse entered into volun-
 3 tarily by owners or occupiers of land with a soil and water conservation district under ORS 568.550.

4 (34) Sensitive business records or financial or commercial information of the State Accident In-
 5 surance Fund Corporation that is not customarily provided to business competitors. This exemption
 6 does not:

7 (a) Apply to the formulas for determining dividends to be paid to employers insured by the State
 8 Accident Insurance Fund Corporation;

9 (b) Apply to contracts for advertising, public relations or lobbying services or to documents re-
 10 lated to the formation of such contracts;

11 (c) Apply to group insurance contracts or to documents relating to the formation of such con-
 12 tracts, except that employer account records shall remain exempt from disclosure as provided in
 13 ORS 192.355 (35); or

14 (d) Provide the basis for opposing the discovery of documents in litigation pursuant to the ap-
 15 plicable rules of civil procedure.

16 (35) Records of the Department of Public Safety Standards and Training relating to investi-
 17 gations conducted under ORS 181A.640 or 181A.870 (6), until the department issues the report de-
 18 scribed in ORS 181A.640 or 181A.870.

19 (36) A medical examiner's report, autopsy report or laboratory test report ordered by a medical
 20 examiner under ORS 146.117.

21 (37) Any document or other information related to an audit of a public body, as defined in ORS
 22 174.109, that is in the custody of an auditor or audit organization operating under nationally re-
 23 cognized government auditing standards, until the auditor or audit organization issues a final audit
 24 report in accordance with those standards or the audit is abandoned. This exemption does not pro-
 25 hibit disclosure of a draft audit report that is provided to the audited entity for the entity's response
 26 to the audit findings.

27 (38)(a) Personally identifiable information collected as part of an electronic fare collection sys-
 28 tem of a mass transit system.

29 (b) The exemption from disclosure in paragraph (a) of this subsection does not apply to public
 30 records that have attributes of anonymity that are sufficient, or that are aggregated into groupings
 31 that are broad enough, to ensure that persons cannot be identified by disclosure of the public re-
 32 cords.

33 (c) As used in this subsection:

34 (A) "Electronic fare collection system" means the software and hardware used for, associated
 35 with or relating to the collection of transit fares for a mass transit system, including but not limited
 36 to computers, radio communication systems, personal mobile devices, wearable technology, fare in-
 37 struments, information technology, data storage or collection equipment, or other equipment or im-
 38 provements.

39 (B) "Mass transit system" has the meaning given that term in ORS 267.010.

40 (C) "Personally identifiable information" means all information relating to a person that ac-
 41 quires or uses a transit pass or other fare payment medium in connection with an electronic fare
 42 collection system, including but not limited to:

43 (i) Customer account information, date of birth, telephone number, physical address, electronic
 44 mail address, credit or debit card information, bank account information, Social Security or taxpayer
 45 identification number or other identification number, transit pass or fare payment medium balances

1 or history, or similar personal information; or

2 (ii) Travel dates, travel times, frequency of use, travel locations, service types or vehicle use,
3 or similar travel information.

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

5 (A) The home address and home telephone number of the civil code enforcement officer con-
6 tained in the voter registration records for the officer.

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

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

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

14 (iii) Applies until the civil code enforcement officer requests termination of the exemption;

15 (iv) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for
16 governmental purposes; and

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

19 (b) As used in this subsection, "civil code enforcement officer" means an employee of a public
20 body, as defined in ORS 174.109, who is charged with enforcing laws or ordinances relating to land
21 use, zoning, use of rights-of-way, solid waste, hazardous waste, sewage treatment and disposal or the
22 state building code.

23 (40) Audio or video recordings, whether digital or analog, resulting from a law enforcement
24 officer's operation of a video camera worn upon the officer's person that records the officer's inter-
25 actions with members of the public while the officer is on duty. When a recording described in this
26 subsection is subject to disclosure, the following apply:

27 (a) Recordings that have been sealed in a court's record of a court proceeding or otherwise or-
28 dered by a court not to be disclosed may not be disclosed.

29 (b) A request for disclosure under this subsection must identify the approximate date and time
30 of an incident for which the recordings are requested and be reasonably tailored to include only that
31 material for which a public interest requires disclosure.

32 (c) A video recording disclosed under this subsection must, prior to disclosure, be edited in a
33 manner as to render the faces of all persons within the recording unidentifiable.

34 (41) The contents of tips reported to a tip line, as defined in ORS 339.329. However, personally
35 identifiable information, as defined in ORS 339.329, is not subject to public interest balancing under
36 this section and remains exempt from disclosure except as provided in ORS 339.329.

37 (42) Residential addresses of individuals with intellectual or developmental disabilities residing
38 in adult foster homes as defined in ORS 443.705 or residential training facilities or residential
39 training homes as those terms are defined in ORS 443.400.

40 (43) The name, home address, professional address or location of an individual who is authorized
41 to provide physical and behavioral health care services in this state and who provides reproductive
42 and gender-affirming health care services.

43 **SECTION 4.** ORS 192.355, as amended by section 13, chapter 87, Oregon Laws 2024, is amended
44 to read:

45 192.355. The following public records are exempt from disclosure under ORS 192.311 to 192.478:

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

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

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

16 (3) Upon compliance with ORS 192.363, public body employee or volunteer residential addresses,
 17 residential telephone numbers, personal cellular telephone numbers, personal electronic mail ad-
 18 dresses, driver license numbers, employer-issued identification card numbers, emergency contact in-
 19 formation, Social Security numbers, dates of birth and other telephone numbers contained in records
 20 maintained by the public body that is the employer or the recipient of volunteer services. This ex-
 21 emption:

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

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

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

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

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

36 (5) Information or records of the Department of Corrections, including the State Board of Parole
 37 and Post-Prison Supervision, to the extent that disclosure would interfere with the rehabilitation of
 38 a person in custody of the department or substantially prejudice or prevent the carrying out of the
 39 functions of the department, if the public interest in confidentiality clearly outweighs the public in-
 40 terest in disclosure.

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

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

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

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

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

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

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

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

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

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

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

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

27 (12) Employee and retiree address, telephone number and other nonfinancial membership records
28 and employee financial records maintained by the Public Employees Retirement System pursuant to
29 ORS chapters 238 and 238A or by another retirement system operated by a public body.

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

34 (a) The exemption does not apply to:

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

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

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

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

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

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

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

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

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

11 (F) Investment agreements and related documents.

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

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

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

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

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

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

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

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

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

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

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

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

36 (17)(a) The following records, communications and information submitted to the Oregon Business
37 Development Commission, the Oregon Business Development Department, the State Department of
38 Agriculture, the Oregon Growth Board, the Port of Portland or other ports as defined in ORS
39 777.005, or a county or city governing body and any board, department, commission, council or
40 agency thereof, by applicants for investment funds, grants, loans, services or economic development
41 moneys, support or assistance including, but not limited to, those described in ORS 285A.224:

42 (A) Personal financial statements.

43 (B) Financial statements of applicants.

44 (C) Customer lists.

45 (D) Information of an applicant pertaining to litigation to which the applicant is a party if the

1 complaint has been filed, or if the complaint has not been filed, if the applicant shows that such
 2 litigation is reasonably likely to occur; this exemption does not apply to litigation which has been
 3 concluded, and nothing in this subparagraph shall limit any right or opportunity granted by discov-
 4 ery or deposition statutes to a party to litigation or potential litigation.

5 (E) Production, sales and cost data.

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

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

10 (A) Personal financial statements.

11 (B) Financial statements of applicants.

12 (C) Customer lists.

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

18 (E) Production, sales and cost data.

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

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

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

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

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

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

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

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

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

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

- 1 (d) When a worker or the worker's representative requests review of the worker's claim record.
 2 (21) Sensitive business records or financial or commercial information of the Oregon Health and
 3 Science University that is not customarily provided to business competitors.
 4 (22) Records of Oregon Health and Science University regarding candidates for the position of
 5 president of the university.
 6 (23) The records of a library, including:
 7 (a) Circulation records, showing use of specific library material by a named person;
 8 (b) The name of a library patron together with the address or telephone number of the patron;
 9 and
 10 (c) The electronic mail address of a patron.
 11 (24) The following records, communications and information obtained by the Housing and Com-
 12 munity Services Department in connection with the department's monitoring or administration of
 13 financial assistance or of housing or other developments:
 14 (a) Personal and corporate financial statements and information, including tax returns.
 15 (b) Credit reports.
 16 (c) Project appraisals, excluding appraisals obtained in the course of transactions involving an
 17 interest in real estate that is acquired, leased, rented, exchanged, transferred or otherwise disposed
 18 of as part of the project, but only after the transactions have closed and are concluded.
 19 (d) Market studies and analyses.
 20 (e) Articles of incorporation, partnership agreements and operating agreements.
 21 (f) Commitment letters.
 22 (g) Project pro forma statements.
 23 (h) Project cost certifications and cost data.
 24 (i) Audits.
 25 (j) Project tenant correspondence.
 26 (k) Personal information about a tenant.
 27 (L) Housing assistance payments.
 28 (25) Raster geographic information system (GIS) digital databases, provided by private forestland
 29 owners or their representatives, voluntarily and in confidence to the State Forestry Department,
 30 that is not otherwise required by law to be submitted.
 31 (26) Sensitive business, commercial or financial information furnished to or developed by a
 32 public body engaged in the business of providing electricity or electricity services, if the information
 33 is directly related to a transaction described in ORS 261.348, or if the information is directly related
 34 to a bid, proposal or negotiations for the sale or purchase of electricity or electricity services, and
 35 disclosure of the information would cause a competitive disadvantage for the public body or its re-
 36 tail electricity customers. This subsection does not apply to cost-of-service studies used in the de-
 37 velopment or review of generally applicable rate schedules.
 38 (27) Sensitive business, commercial or financial information furnished to or developed by the
 39 City of Klamath Falls, acting solely in connection with the ownership and operation of the Klamath
 40 Cogeneration Project, if the information is directly related to a transaction described in ORS 225.085
 41 and disclosure of the information would cause a competitive disadvantage for the Klamath
 42 Cogeneration Project. This subsection does not apply to cost-of-service studies used in the develop-
 43 ment or review of generally applicable rate schedules.
 44 (28) Personally identifiable information about customers of a municipal electric utility or a
 45 people's utility district or the names, dates of birth, driver license numbers, telephone numbers,

1 electronic mail addresses or Social Security numbers of customers who receive water, sewer or
 2 storm drain services from a public body as defined in ORS 174.109. The utility or district may re-
 3 lease personally identifiable information about a customer, and a public body providing water, sewer
 4 or storm drain services may release the name, date of birth, driver license number, telephone num-
 5 ber, electronic mail address or Social Security number of a customer, if the customer consents in
 6 writing or electronically, if the disclosure is necessary for the utility, district or other public body
 7 to render services to the customer, if the disclosure is required pursuant to a court order or if the
 8 disclosure is otherwise required by federal or state law. The utility, district or other public body
 9 may charge as appropriate for the costs of providing such information. The utility, district or other
 10 public body may make customer records available to third party credit agencies on a regular basis
 11 in connection with the establishment and management of customer accounts or in the event such
 12 accounts are delinquent.

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

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

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

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

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

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

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

30 (a) Generation, storage or conveyance of:

31 (A) Electricity;

32 (B) Gas in liquefied or gaseous form;

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

34 (D) Petroleum products;

35 (E) Sewage; or

36 (F) Water.

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

38 (c) Data transmissions by whatever means provided.

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

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

42 (b) As used in this subsection, "employer account records" means all records maintained in any
 43 form that are specifically related to the account of any employer insured, previously insured or un-
 44 der consideration to be insured by the State Accident Insurance Fund Corporation and any infor-
 45 mation obtained or developed by the corporation in connection with providing, offering to provide

1 or declining to provide insurance to a specific employer. "Employer account records" includes, but
2 is not limited to, an employer's payroll records, premium payment history, payroll classifications,
3 employee names and identification information, experience modification factors, loss experience and
4 dividend payment history.

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

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

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

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

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

15 (38) Records of or submitted to a domestic violence service or resource center that relate to the
16 name or personal information of an individual who visits a center for service, including the date of
17 service, the type of service received, referrals or contact information or personal information of a
18 family member of the individual. As used in this subsection, "domestic violence service or resource
19 center" means an entity, the primary purpose of which is to assist persons affected by domestic or
20 sexual violence by providing referrals, resource information or other assistance specifically of ben-
21 efit to domestic or sexual violence victims.

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

26 (40)(a) Electronic mail addresses in the possession or custody of an agency or subdivision of the
27 executive department, as defined in ORS 174.112, the legislative department, as defined in ORS
28 174.114, a local government or local service district, as defined in ORS 174.116, or a special gov-
29 ernment body, as defined in ORS 174.117.

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

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

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

42 (42) Personally identifiable information and contact information of veterans as defined in ORS
43 408.225 and of persons serving on active duty or as reserve members with the Armed Forces of the
44 United States, National Guard or other reserve component that was obtained by the Department of
45 Veterans' Affairs in the course of performing its duties and functions, including but not limited to

1 names, residential and employment addresses, dates of birth, driver license numbers, telephone
 2 numbers, electronic mail addresses, Social Security numbers, marital status, dependents, the char-
 3 acter of discharge from military service, military rating or rank, that the person is a veteran or has
 4 provided military service, information relating to an application for or receipt of federal or state
 5 benefits, information relating to the basis for receipt or denial of federal or state benefits and in-
 6 formation relating to a home loan or grant application, including but not limited to financial infor-
 7 mation provided in connection with the application.

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

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

16 (45) Proprietary information subject to a nondisclosure agreement that is provided to the Oregon
 17 Broadband Office pursuant to ORS 285A.176.

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

20 (a) All materials or communications received during an examination under ORS 98.412 (2) and
 21 (3), except to the extent that the information in the materials or communications appears within a
 22 report under ORS 98.412 (4) or 98.352 and the information is not otherwise exempt under ORS 98.352
 23 (4).

24 (b) All materials or communications assembled or used by the state or its auditor during the
 25 preparation of a report under ORS 98.412 (4), including drafts, correspondence, working papers and
 26 other preparatory documents.

27 (c) Information obtained during an examination under ORS 98.412 (2) and (3) concerning an un-
 28 claimed property holder's potential liability in a state other than Oregon, even if that information
 29 is included in a report under ORS 98.412 (4) or 98.352.

30 (d) Information in or supporting claims to unclaimed property under ORS 98.392, except to the
 31 extent that the claimant consents to the information's disclosure.

32 (47) Any document, record or plan for protection relating to the existence, nature, location or
 33 function of cybersecurity devices, programs or systems designed to protect computer, information
 34 technology or communications systems against threat or attack, including but not limited to:

35 (a) Records pertaining to devices, programs or systems that depend for their effectiveness in
 36 whole or part upon a lack of public knowledge; and

37 (b) Contractual records or insurance records that set forth cybersecurity specifications, insur-
 38 ance application and coverage details.

39 (48) Sensitive business, commercial or financial information, that is not customarily provided to
 40 business competitors, that is furnished to or developed by the Oregon Prescription Drug Program
 41 in connection with purchasing prescription drugs or contracting for the services of a pharmacy
 42 benefit manager or pharmacy networks pursuant to ORS 414.312.

43 **(49) Records that are exempt from disclosure by a public university foundation under**
 44 **section 2 of this 2025 Act.**

45 **SECTION 5. A public university foundation shall release the first annual report required**

1 under section 2 of this 2025 Act no later than November 1, 2025.

2 SECTION 6. This 2025 Act being necessary for the immediate preservation of the public
3 peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect
4 on its passage.

5
