

To: Members of the Senate Committee on Rules

From: Kris Quigley, Director of Government Relations, CDIA

Date: May 28, 2025

Re: Opposition to Proposed Amendments to SB 1077 Regarding Public Records Fees and Use-Based Differentiation

On behalf of the Consumer Data Industry Association, I respectfully submit the following comments in opposition to the proposed amendments to SB 1077, which would authorize government agencies to impose dramatically increased fees for public records requests based on the perceived or stated use of the information. While we share the Legislature's interest in ensuring that public records systems are sustainable and manageable, the proposed amendments raise serious concerns about transparency, access, and precedent.

CDIA is the voice of the consumer reporting industry, representing consumer reporting agencies including the nationwide credit bureaus, regional and specialized credit bureaus, background check companies, and others. Founded in 1906, CDIA promotes the responsible use of consumer data to help consumers achieve their financial goals, and to help businesses, governments, and volunteer organizations avoid fraud and manage risk. Through data analytics, CDIA members empower economic opportunity, helping ensure fair and safe transactions for consumers, facilitating competition and expanding consumers' access to financial and other products suited to their unique needs.

Use-Based Fee Discrimination Sets a Harmful Precedent

The proposed differentiation among public records requestors based on the ultimate use of the records undermines the foundational principle that public records are equally accessible to all. Conditioning access or imposing higher costs based on the identity or intent of the requestor sets a troubling precedent that counter to open government principles.

Exorbitant Fees Threaten Consumer Access to Valuable Tools

The proposed language allowing agencies to impose fees up to 500% above actual cost would have significant downstream effects for Oregon consumers and businesses. Many private-sector entities rely on public records to power consumer-facing products that Oregonians use daily—such as tools for address verification, property research, or transparency into local government operations. These costs would likely be passed on to consumers or, in some cases, make continued access to Oregon-specific data economically unsustainable for businesses.

Public Records Support Government Fraud Prevention

Commercial businesses also play an essential role in supporting public-sector goals such as fraud prevention and identity theft detection. Public records often inform the tools used by financial institutions, government agencies, and law enforcement to identify suspicious activity and prevent crimes that harm Oregonians. Discouraging access through excessive fees risks weakening these public-private partnerships.

Fee Burdens Stem from the Scope of the Request, Not Its Purpose

The burden on government staff and resources stems from the nature and breadth of individual records requests—not from the requestor’s purpose. Bulk or routine requests—especially those fulfilled through automated means such as bulk feeds or secure FTP transfers—often require minimal administrative effort. Charging inflated fees for such low-cost processes effectively places the state in the business of monetizing public access, a troubling shift in public policy.

Mandating Evaluation of Purpose Undermines Transparency and Risks Chilling Speech

Finally, requiring government agencies to assess the intent behind a records request undermines the neutrality of the public records system. Public records laws were not designed to inquire into motives—they were built on the principle that transparency benefits all, regardless of why a person seeks access.

CDIA urges the Legislature to reconsider the proposed amendments to SB 1077. It is our belief that Oregon can support agency sustainability and manage workloads without resorting to unfair access frameworks or disproportionate fees.

Thank you for your attention to this important issue.