



October 3, 2018

Dear Oregon Sunshine Committee members,

On behalf of the Oregon Territory Chapter of the Society of Professional Journalists, I would like to share with you the many ways in which members of the public, including public-service journalists, rely on access to certain information to inform and benefit the public in keeping with the spirit and intent of Oregon Public Records Law.

As you review the exemptions before you, please consider that dates of birth, home addresses, government ID numbers, and other information that some might deem personal—including even PERS retiree information—is routinely, almost incessantly, used to produce journalism that accurately and meaningfully informs the public and decision-makers about important matters of public policy. It can be used to reveal unintended consequences of government policies and official malfeasance in ways that otherwise would be impossible. For these reasons, access to such information is crucial and irreplaceable to journalists pursuing their constitutionally recognized role in fostering an informed public.

Various exemptions in Oregon Public Records Law typically employ a public-interest test to protect such information, allowing people with public-service and public-interest purposes, such as journalists, to access such information. SPJ members feel strongly that that practice and policy must continue.

Much of this information has been public in Oregon for decades. Here are examples of the ways it is used:

- to inform the public about wage disparities by age, race and gender.
- background state leaders or candidates for government office.
- study the health of the state's public retirement system.
- confirm identities and to prevent confusing two people with the same name.
- examining licensed and publicly employed individuals for fraud, corruption or other wrongdoing.

Years ago, after the rape of a 32-year-old developmentally disabled woman by a TriMet driver who turned out to be a convicted murderer, a newspaper reporter used dates of birth to run checks on all such drivers actively serving vulnerable disabled people in the tri-county region. The finding, that 44 drivers had criminal records of a predatory nature (robbery, sex assault, abuse, menacing, theft, etc.), caused the agency to fire 28 of them. After the article ran, it was revealed that other women had been abused by TriMet drivers, but had not reported it.

The Portland Mercury recently used home addresses to determine that 82 percent of Portland police officers live outside city limits, and indeed, more live on the other side of the Columbia River than in Portland proper — a finding that has significant implications for public safety in the event of an earthquake or other major incident.

Blocking the public from being able to access dates of birth for public-interest purposes could enable those attempting to do business with the government in a less-than-above-board fashion to avoid detection, which presumably is exactly why one such person with a checkered past gave an incorrect birthdate to a Portland reporter not long ago while seeking to purchase Wapato jail.

Oregonians and the decision-makers who serve them in government rely on detailed, accurate information to participate in our democracy and forge good policies for the public. We urge you consider this in your deliberations.

Thanks you for the opportunity to submit this testimony.

Nick Budnick  
Board member, Sunshine Chair  
Oregon Territory Chapter,  
Society of Professional Journalists