



July 11, 2016

Public Records Taskforce
Oregon Department of Justice
1162 Court St NE
Salem, OR 97301

Dear Public Records Taskforce members:

Oregon Corrections Enterprises (OCE) thanks the taskforce for the opportunity to provide feedback on the public record exemptions proposal created by the taskforce. OCE supports Oregon citizens' access to records relevant to public decision-making processes and to access them in a timely and financially fair manner.

OCE's creation and mission:

OCE serves a constitutional purpose. As directed by the legislature, OCE must carry out the public purposes and missions stated in section 41, Article 1 of the Oregon Constitution in a manner that best promotes the public welfare of the people of the State of Oregon. OCE must operate as a self-sustaining agency with no direct allocated funds from the Oregon State Legislature and cannot co-mingle its funds with those of the Oregon Department of Corrections (DOC). The mission of OCE, in partnership with DOC, is to promote public safety by providing inmate work and training opportunities in a self-sustaining organization. In order to remain self-sustaining, OCE must compete in the open market for business opportunities.

Committed to transparency:

The 1999 creation of OCE as a semi-independent, self-sustaining state agency was successful, in part, due to the ability – through exemptions from specific statutes – to operate in a manner more closely replicating a private sector business model. OCE's statutorily-defined structure allows OCE to respond to fast-paced changes in highly competitive markets, while retaining the principles of fundamental public policy, including public accountability. However, OCE is also required to report annually to the Governor and the Legislative Assembly regarding OCE activities and operations for the preceding year. OCE's annual report contains this information, plus financial summary data. OCE provides detailed financial data annually to the Oregon Department of Administrative Services (DAS) for purposes of completing the state financial report, and OCE annually receives gold star status for the level of detail and format of the data provided.

OCE has clear policies and procedures to ensure the agency's dedicated personnel are responsive to public records requests. The individual responsible for coordinating responses evaluates the

confidentiality of the information requests and works with requestors to provide information in the most timely and cost-effective manner possible.

OCE's concerns about proposed "First Proposed Exemption" language:

The language of OCE's current exemption is clear, succinct, and reflects OCE's statutory duty to fulfill the purposes and missions stated in section 41, Article I of the Oregon Constitution. OCE is committed to transparency, but must also be able to carry out its statutory duties. With that in mind, we would like to express our concern regarding certain aspects of the proposed exemption.

The proposed changes create unclear language, leaving room for subjectivity, uncertainty, and inconsistency in how the exemption is applied. Most concerning is that the proposed changes could result in a competitive disadvantage and would reduce the agency's ability to service its constitutional purpose. For example, disclosing customer lists, pricing methodology, and/or capital development plans (documents that are typically considered highly confidential in the private sector) would deter private sector businesses from partnering with OCE. These partnerships are critical to fulfilling OCE's role in engaging inmates in meaningful work opportunities, which, in turn, increases their ability to successfully re-enter the community and become productive, law-abiding citizens. Therefore, deterring private sector businesses from partnering with OCE has implications on public safety, as well as on OCE's ability to remain competitive.

In summary, OCE is supportive of governmental transparency and works hard to provide timely and financially fair responses to public records requests. OCE is also appreciative of the efforts of the taskforce to improve the public's experience with such requests. Due to the concerns outlined above, OCE respectfully asks that the taskforce maintain OCE's current business records exemption as it currently exists in statute.

Sincerely,



Ken Jeske, Administrator
Oregon Corrections Enterprises
PO Box 12849
Salem, OR 97309
P: 503-428-5550 or 971-600-6735