

Attorney General's Public Records Law Reform Task Force
Revised Draft Policy Statement/Liability & Privilege Protection
7/14/2016

POLICY STATEMENT (NEW SECTION)

(1) The Legislative Assembly finds that protecting the right of meaningful access to information about government activities insures that Oregonians are informed and are able to meaningfully participate in their representative government. Access to information also enables Oregonians to ensure that their public servants perform honestly, faithfully and competently.

(2) It is therefore the policy of the State of Oregon that:

(a) Public records are accessible to members of the public with specific exceptions. The disclosure provisions of this chapter shall be interpreted liberally to implement this policy.

(b) Exemptions from public disclosure are sometimes appropriate in order to serve one or more of the following interests:

(A) To protect the privacy and safety of individuals;

(B) To protect public safety;

(C) To protect private economic affairs from unreasonable intrusion;

(D) To protect the public interest in fair and effective governmental programs and transactions, only to the extent that interest would be thwarted without the exemption.

(c) Exceptions from public records disclosure requirements shall be construed narrowly to favor the people's right to know.

(3) In enacting laws that make public records exempt from the disclosure requirements of this chapter, the Legislative Assembly shall expressly identify the interests that the exemption is necessary to serve and shall ensure that the exemption is no broader than necessary.

LIABILITY PROTECTION & NONWAIVER OF PRIVILEGE (NEW SECTION)

(1) No public agency, public official, public employee, or custodian shall be liable, nor shall a cause of action exist, for any loss or damage based upon the release of a public record if the public agency, public official, public employee, or custodian acted in good faith in attempting to comply with the disclosure requirements of this chapter.

(2) Notwithstanding ORS 40.280, a public body that discloses any privileged information or record in response to a written request for public records under this chapter does not waive its

right to assert the applicable privilege to prevent the introduction of the information or record as evidence, pursuant to ORS 40.225 to 40.295.