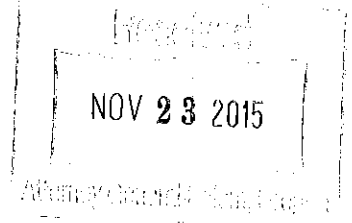




COLUMBIA RIVERKEEPER
111 Third Street
Hood River, OR 97031
phone 541.387.3030
www.columbiariverkeeper.org

November 18, 2015

Ellen F. Rosenblum, Attorney General
Oregon Department of Justice
1162 Court Street NE
Salem, OR 97301-4096



RE: Riverkeeper Supports Reforming Oregon's Public Records Law

Dear Attorney General Rosenblum,

Columbia Riverkeeper appreciates that you are initiating a much-needed review of Oregon's Public Records Law; we trust that this review will improve public participation in government decisions in Oregon. Columbia Riverkeeper supports swift reform of Oregon's Public Records Law to facilitate meaningful citizen involvement and oversight of Oregon's government.

Columbia Riverkeeper is a non-profit organization that protects and restores the Columbia River and all life connected to it, from the headwaters to the Pacific Ocean. Columbia Riverkeeper routinely uses Oregon, Washington, and federal public records laws to obtain key information related to public health and the Columbia River. Educating our members and the public about government activities and policies, as well as applications for new developments, is an enormously important part of our work. We rely on public records laws to get solid, verifiable information that we can then share with our members and the public.

In our experience, Oregon's Public Records Law is significantly more cumbersome and slower than Washington's law or the federal Freedom of Information Act. Washington's law requires agencies to decide whether they will produce documents within five days of receiving a request, and provides penalties for non-compliance. California's law requires agencies to decide whether they will respond to a request within 10 days. FOIA requires federal agencies to respond within 20 days. Under Oregon's law, however, an agency can take months (or longer) to decide whether and how to respond to a request. Please take immediate action to ensure that Oregonians have meaningful and timely access to information about our government.

Among its many problems, Oregon's Public Records Law does not ensure that citizens get information about our government in a timely manner. As opposed to other

public records laws, Oregon's law does not provide a deadline by which the agency or official must respond to the requestor. Oregon's law would work better—for government officials and citizens alike—if it contained reasonable, enforceable deadlines for responding to public records requests. For instance, in May 2015, Columbia Riverkeeper sent a public records request to the Port of Portland seeking documents related to the controversial Pembina propane export terminal. More than six months later, the Port of Portland has not released any documents, and Oregon's records law gives Columbia Riverkeeper no legal recourse. A public records law that allows government officials to delay responses and ignore requests severely hampers citizen participation in, and oversight of, Oregon's governance.

Columbia Riverkeeper employs lawyers and policy experts well versed in requesting and obtaining public records. If we struggle with the system, then imagine an average Joe with no prior experience trying to file and follow up on a public records request, perhaps after a long day at work. Hurdles to information diminish participation in our democracy. As it is currently written, the Oregon Public Records Law is a significant hurdle.

Columbia Riverkeeper appreciates the Attorney General's commitment to increasing democracy by updating Oregon's Public Record Law. Please contact me at (541) 490 - 0487 or miles@columbiariverkeeper.org if you have any questions about this letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Miles Johnson', with a long horizontal flourish extending to the right.

Miles Johnson, life-long Oregonian
Clean Water Attorney
Columbia Riverkeeper