- 192.445 Nondisclosure on request of home address, home telephone number and electronic mail address; rules of procedure; duration of effect of request; liability; when not applicable. (1) An individual may submit a written request to a public body not to disclose a specified public record indicating the home address, personal telephone number or electronic mail address of the individual. A public body may not disclose the specified public record if the individual demonstrates to the satisfaction of the public body that the personal safety of the individual or the personal safety of a family member residing with the individual is in danger if the home address, personal telephone number or electronic mail address remains available for public inspection.
 - (2) The Attorney General shall adopt rules describing:
- (a) The procedures for submitting the written request described in subsection (1) of this section.
- (b) The evidence an individual shall provide to the public body to establish that disclosure of the home address, telephone number or electronic mail address of the individual would constitute a danger to personal safety. The evidence may include but is not limited to evidence that the individual or a family member residing with the individual has:
 - (A) Been a victim of domestic violence;
 - (B) Obtained an order issued under ORS 133.055;
- (C) Contacted a law enforcement officer involving domestic violence or other physical abuse:
- (D) Obtained a temporary restraining order or other no contact order to protect the individual from future physical abuse; or
 - (E) Filed other criminal or civil legal proceedings regarding physical protection.
- (c) The procedures for submitting the written notification from the individual that disclosure of the home address, personal telephone number or electronic mail address of the individual no longer constitutes a danger to personal safety.
 - (3) A request described in subsection (1) of this section remains effective:
- (a) Until the public body receives a written request for termination but no later than five years after the date that a public body receives the request; or
- (b) In the case of a voter registration record, until the individual must update the individual's voter registration, at which time the individual may apply for another exemption from disclosure.
- (4) A public body may disclose a home address, personal telephone number or electronic mail address of an individual exempt from disclosure under subsection (1) of this section upon court order, on request from any law enforcement agency or with the consent of the individual.
- (5) A public body may not be held liable for granting or denying an exemption from disclosure under this section or any other unauthorized release of a home address, personal telephone number or electronic mail address granted an exemption from disclosure under this section.
 - (6) This section does not apply to county property and lien records.
- **192.447** Nondisclosure of public employee identification badge or card. (1) As used in this section, "public body" has the meaning given that term in ORS 174.109.
- (2) A public body may not disclose the identification badge or card of an employee of the public body without the written consent of the employee if:

- (a) The badge or card contains the photograph of the employee; and
- (b) The badge or card was prepared solely for internal use by the public body to identify employees of the public body.
- (3) The public body may not disclose a duplicate of the photograph used on the badge or card.

192.448 Nondisclosure of concealed handgun license records or information; exceptions; limitations; rules. (1) A public body may not disclose records or information that identifies a person as a current or former holder of, or applicant for, a concealed handgun license, unless:

- (a) The disclosure is made to another public body and is necessary for criminal justice purposes;
- (b) A court enters an order in a criminal or civil case directing the public body to disclose the records or information;
- (c) The holder of, or applicant for, the concealed handgun license consents to the disclosure in writing;
- (d) The public body determines that a compelling public interest requires disclosure in the particular instance and the disclosure is limited to the name, age and county of residence of the holder or applicant;
- (e)(A) The disclosure is limited to confirming or denying that a person convicted of a person crime, or restrained by a protective order, is a current holder of a concealed handgun license; and
- (B) The disclosure is made to a victim of the person crime or to a person who is protected by the protective order, in response to a request for disclosure that provides the public body with the name and age of the person convicted of the person crime or restrained by the protective order; or
- (f)(A) The disclosure is limited to confirming or denying that a person convicted of a crime involving the use or possession of a firearm is a current holder of a concealed handgun license; and
- (B) The disclosure is made to a bona fide representative of the news media in response to a request for disclosure that provides the name and age of the person convicted of the crime involving the use or possession of a firearm.
- (2) A public body may not confirm or deny that a person described in subsection (1)(e)(A) or (f)(A) of this section is a current holder of a concealed handgun license unless the person seeking disclosure:
- (a) Under subsection (1)(e) of this section provides the public body with written proof that the person is a victim of the person crime or is protected by the protective order.
- (b) Under subsection (1)(f) of this section provides the public body with written proof that the person is a bona fide representative of the news media.
- (3) Notwithstanding any other provision of law, a public body that receives a request for disclosure under subsection (1)(e) or (f) of this section may conduct an investigation, including a criminal records check, to determine whether a person described in subsection (1)(e)(A) or (f)(A) of this section has been convicted of a person crime or a crime involving the use or possession of a firearm or is restrained by a protective order.
- (4) The Attorney General shall adopt rules to carry out the provisions of this section. The rules must include a description of:

- (a) The procedures for submitting the written request described in subsection (1)(d) of this section; and
- (b) The materials an individual must provide to the public body to establish a compelling public interest that supports the disclosure of the name, age and county of residence of the holder or applicant.
- (5) The prohibition described in subsection (1) of this section does not apply to the Judicial Department.
 - (6) As used in this section:
- (a) "Convicted" does not include a conviction that has been reversed, vacated or set aside or a conviction for which the person has been pardoned.
- (b) "Person crime" means a person felony or person Class A misdemeanor, as those terms are defined in the rules of the Oregon Criminal Justice Commission, or any other crime constituting domestic violence, as defined in ORS 135.230.
 - (c) "Protective order" has the meaning given that term in ORS 135.886.
 - (d) "Victim" has the meaning given that term in ORS 131.007.
- **192.501.** The following public records are exempt from disclosure under ORS 192.410 to 192.505 unless the public interest requires disclosure in the particular instance:
- (1) Records of a public body pertaining to litigation to which the public body is a party if the complaint has been filed, or if the complaint has not been filed, if the public body shows that such litigation is reasonably likely to occur. This exemption does not apply to litigation which has been concluded, and nothing in this subsection shall limit any right or opportunity granted by discovery or deposition statutes to a party to litigation or potential litigation.
- (2) Trade secrets. "Trade secrets," as used in this section, may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within an organization and which is used in a business it conducts, having actual or potential commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.
- (3) Investigatory information compiled for criminal law purposes. The record of an arrest or the report of a crime shall be disclosed unless and only for so long as there is a clear need to delay disclosure in the course of a specific investigation, including the need to protect the complaining party or the victim. Nothing in this subsection shall limit any right constitutionally guaranteed, or granted by statute, to disclosure or discovery in criminal cases. For purposes of this subsection, the record of an arrest or the report of a crime includes, but is not limited to:
- (a) The arrested person's name, age, residence, employment, marital status and similar biographical information;
 - (b) The offense with which the arrested person is charged;
 - (c) The conditions of release pursuant to ORS 135.230 to 135.290;
- (d) The identity of and biographical information concerning both complaining party and victim:
 - (e) The identity of the investigating and arresting agency and the length of the investigation;
- (f) The circumstances of arrest, including time, place, resistance, pursuit and weapons used; and
- (g) Such information as may be necessary to enlist public assistance in apprehending fugitives from justice.

- (4) Test questions, scoring keys, and other data used to administer a licensing examination, employment, academic or other examination or testing procedure before the examination is given and if the examination is to be used again. Records establishing procedures for and instructing persons administering, grading or evaluating an examination or testing procedure are included in this exemption, to the extent that disclosure would create a risk that the result might be affected.
- (5) Information consisting of production records, sale or purchase records or catch records, or similar business records of a private concern or enterprise, required by law to be submitted to or inspected by a governmental body to allow it to determine fees or assessments payable or to establish production quotas, and the amounts of such fees or assessments payable or paid, to the extent that such information is in a form which would permit identification of the individual concern or enterprise. This exemption does not include records submitted by long term care facilities as defined in ORS 442.015 to the state for purposes of reimbursement of expenses or determining fees for patient care. Nothing in this subsection shall limit the use which can be made of such information for regulatory purposes or its admissibility in any enforcement proceeding.
 - (6) Information relating to the appraisal of real estate prior to its acquisition.
- (7) The names and signatures of employees who sign authorization cards or petitions for the purpose of requesting representation or decertification elections.
- (8) Investigatory information relating to any complaint filed under ORS 659A.820 or 659A.825, until such time as the complaint is resolved under ORS 659A.835, or a final order is issued under ORS 659A.850.
- (9) Investigatory information relating to any complaint or charge filed under ORS 243.676 and 663.180.
- (10) Records, reports and other information received or compiled by the Director of the Department of Consumer and Business Services under ORS 697.732.
- (11) Information concerning the location of archaeological sites or objects as those terms are defined in ORS 358.905, except if the governing body of an Indian tribe requests the information and the need for the information is related to that Indian tribe's cultural or religious activities. This exemption does not include information relating to a site that is all or part of an existing, commonly known and publicized tourist facility or attraction.
 - (12) A personnel discipline action, or materials or documents supporting that action.
- (13) Information developed pursuant to ORS 496.004, 496.172 and 498.026 or ORS 496.192 and 564.100, regarding the habitat, location or population of any threatened species or endangered species.
- (14) Writings prepared by or under the direction of faculty of public educational institutions, in connection with research, until publicly released, copyrighted or patented.
- (15) Computer programs developed or purchased by or for any public body for its own use. As used in this subsection, "computer program" means a series of instructions or statements which permit the functioning of a computer system in a manner designed to provide storage, retrieval and manipulation of data from such computer system, and any associated documentation and source material that explain how to operate the computer program. "Computer program" does not include:
 - (a) The original data, including but not limited to numbers, text, voice, graphics and images;
- (b) Analyses, compilations and other manipulated forms of the original data produced by use of the program; or

- (c) The mathematical and statistical formulas which would be used if the manipulated forms of the original data were to be produced manually.
 - (16) Data and information provided by participants to mediation under ORS 36.256.
- (17) Investigatory information relating to any complaint or charge filed under ORS chapter 654, until a final administrative determination is made or, if a citation is issued, until an employer receives notice of any citation.
- (18) Specific operational plans in connection with an anticipated threat to individual or public safety for deployment and use of personnel and equipment, prepared or used by a public body, if public disclosure of the plans would endanger an individual's life or physical safety or jeopardize a law enforcement activity.
- (19)(a) Audits or audit reports required of a telecommunications carrier. As used in this paragraph, "audit or audit report" means any external or internal audit or audit report pertaining to a telecommunications carrier, as defined in ORS 133.721, or pertaining to a corporation having an affiliated interest, as defined in ORS 759.390, with a telecommunications carrier that is intended to make the operations of the entity more efficient, accurate or compliant with applicable rules, procedures or standards, that may include self-criticism and that has been filed by the telecommunications carrier or affiliate under compulsion of state law. "Audit or audit report" does not mean an audit of a cost study that would be discoverable in a contested case proceeding and that is not subject to a protective order; and
- (b) Financial statements. As used in this paragraph, "financial statement" means a financial statement of a nonregulated corporation having an affiliated interest, as defined in ORS 759.390, with a telecommunications carrier, as defined in ORS 133.721.
- (20) The residence address of an elector if authorized under ORS 247.965 and subject to ORS 247.967.
- (21) The following records, communications and information submitted to a housing authority as defined in ORS 456.005, or to an urban renewal agency as defined in ORS 457.010, by applicants for and recipients of loans, grants and tax credits:
 - (a) Personal and corporate financial statements and information, including tax returns:
 - (b) Credit reports;
- (c) Project appraisals, excluding appraisals obtained in the course of transactions involving an interest in real estate that is acquired, leased, rented, exchanged, transferred or otherwise disposed of as part of the project, but only after the transactions have closed and are concluded;
 - (d) Market studies and analyses;
 - (e) Articles of incorporation, partnership agreements and operating agreements;
 - (f) Commitment letters;
 - (g) Project pro forma statements;
 - (h) Project cost certifications and cost data;
 - (i) Audits;
 - (j) Project tenant correspondence requested to be confidential;
 - (k) Tenant files relating to certification; and
 - (L) Housing assistance payment requests.
 - (22) Records or information that, if disclosed, would allow a person to:
 - (a) Gain unauthorized access to buildings or other property;
- (b) Identify those areas of structural or operational vulnerability that would permit unlawful disruption to, or interference with, services; or

- (c) Disrupt, interfere with or gain unauthorized access to public funds or to information processing, communication or telecommunication systems, including the information contained in the systems, that are used or operated by a public body.
- (23) Records or information that would reveal or otherwise identify security measures, or weaknesses or potential weaknesses in security measures, taken or recommended to be taken to protect:
 - (a) An individual;
 - (b) Buildings or other property;
- (c) Information processing, communication or telecommunication systems, including the information contained in the systems; or
- (d) Those operations of the Oregon State Lottery the security of which are subject to study and evaluation under ORS 461.180 (6).
- (24) Personal information held by or under the direction of officials of the Oregon Health and Science University or the Oregon University System about a person who has or who is interested in donating money or property to the university, the system or a public university listed in ORS 352.002, if the information is related to the family of the person, personal assets of the person or is incidental information not related to the donation.
- (25) The home address, professional address and telephone number of a person who has or who is interested in donating money or property to the Oregon University System.
- (26) Records of the name and address of a person who files a report with or pays an assessment to a commodity commission established under ORS 576.051 to 576.455, the Oregon Beef Council created under ORS 577.210 or the Oregon Wheat Commission created under ORS 578.030.
- (27) Information provided to, obtained by or used by a public body to authorize, originate, receive or authenticate a transfer of funds, including but not limited to a credit card number, payment card expiration date, password, financial institution account number and financial institution routing number.
 - (28) Social Security numbers as provided in ORS 107.840.
- (29) The electronic mail address of a student who attends a public university listed in ORS 352.002 or Oregon Health and Science University.
- (30) The name, home address, professional address or location of a person that is engaged in, or that provides goods or services for, medical research at Oregon Health and Science University that is conducted using animals other than rodents. This subsection does not apply to Oregon Health and Science University press releases, websites or other publications circulated to the general public.
 - (31) If requested by a public safety officer, as defined in ORS 181.610:
- (a) The home address and home telephone number of the public safety officer contained in the voter registration records for the public safety officer.
- (b) The home address and home telephone number of the public safety officer contained in records of the Department of Public Safety Standards and Training.
- (c) The name of the public safety officer contained in county real property assessment or taxation records. This exemption:
- (A) Applies only to the name of the public safety officer and any other owner of the property in connection with a specific property identified by the officer in a request for exemption from disclosure;

- (B) Applies only to records that may be made immediately available to the public upon request in person, by telephone or using the Internet;
 - (C) Applies until the public safety officer requests termination of the exemption;
- (D) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for governmental purposes; and
- (E) May not result in liability for the county if the name of the public safety officer is disclosed after a request for exemption from disclosure is made under this subsection.
- (32) Unless the public records request is made by a financial institution, as defined in ORS 706.008, consumer finance company licensed under ORS chapter 725, mortgage banker or mortgage broker licensed under ORS 86A.095 to 86A.198, or title company for business purposes, records described in paragraph (a) of this subsection, if the exemption from disclosure of the records is sought by an individual described in paragraph (b) of this subsection using the procedure described in paragraph (c) of this subsection:
- (a) The home address, home or cellular telephone number or personal electronic mail address contained in the records of any public body that has received the request that is set forth in:
- (A) A warranty deed, deed of trust, mortgage, lien, deed of reconveyance, release, satisfaction, substitution of trustee, easement, dog license, marriage license or military discharge record that is in the possession of the county clerk; or
 - (B) Any public record of a public body other than the county clerk.
- (b) The individual claiming the exemption from disclosure must be a district attorney, a deputy district attorney, the Attorney General or an assistant attorney general, the United States Attorney for the District of Oregon or an assistant United States attorney for the District of Oregon, a city attorney who engages in the prosecution of criminal matters or a deputy city attorney who engages in the prosecution of criminal matters.
- (c) The individual claiming the exemption from disclosure must do so by filing the claim in writing with the public body for which the exemption from disclosure is being claimed on a form prescribed by the public body. Unless the claim is filed with the county clerk, the claim form shall list the public records in the possession of the public body to which the exemption applies. The exemption applies until the individual claiming the exemption requests termination of the exemption or ceases to qualify for the exemption.
- (33) Land management plans required for voluntary stewardship agreements entered into under ORS 541.423.
- (34) Sensitive business records or financial or commercial information of the State Accident Insurance Fund Corporation that is not customarily provided to business competitors. This exemption does not:
- (a) Apply to the formulas for determining dividends to be paid to employers insured by the State Accident Insurance Fund Corporation;
- (b) Apply to contracts for advertising, public relations or lobbying services or to documents related to the formation of such contracts;
- (c) Apply to group insurance contracts or to documents relating to the formation of such contracts, except that employer account records shall remain exempt from disclosure as provided in ORS 192.502 (35); or
- (d) Provide the basis for opposing the discovery of documents in litigation pursuant to the applicable rules of civil procedure.

- (35) Records of the Department of Public Safety Standards and Training relating to investigations conducted under ORS 181.662 or 181.878 (6), until the department issues the report described in ORS 181.662 or 181.878.
- (36) A medical examiner's report, autopsy report or laboratory test report ordered by a medical examiner under ORS 146.117.
- (37) Any document or other information related to an audit of a public body, as defined in ORS 174.109, that is in the custody of an auditor or audit organization operating under nationally recognized government auditing standards, until the auditor or audit organization issues a final audit report in accordance with those standards or the audit is abandoned. This exemption does not prohibit disclosure of a draft audit report that is provided to the audited entity for the entity's response to the audit findings.

192.502 Other public records exempt from disclosure. The following public records are exempt from disclosure under ORS 192.410 to 192.505:

- (1) Communications within a public body or between public bodies of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to any final agency determination of policy or action. This exemption shall not apply unless the public body shows that in the particular instance the public interest in encouraging frank communication between officials and employees of public bodies clearly outweighs the public interest in disclosure.
- (2) Information of a personal nature such as but not limited to that kept in a personal, medical or similar file, if public disclosure would constitute an unreasonable invasion of privacy, unless the public interest by clear and convincing evidence requires disclosure in the particular instance. The party seeking disclosure shall have the burden of showing that public disclosure would not constitute an unreasonable invasion of privacy.
- (3) Public body employee or volunteer addresses, Social Security numbers, dates of birth and telephone numbers contained in personnel records maintained by the public body that is the employer or the recipient of volunteer services. This exemption:
- (a) Does not apply to the addresses, dates of birth and telephone numbers of employees or volunteers who are elected officials, except that a judge or district attorney subject to election may seek to exempt the judge's or district attorney's address or telephone number, or both, under the terms of ORS 192.445;
- (b) Does not apply to employees or volunteers to the extent that the party seeking disclosure shows by clear and convincing evidence that the public interest requires disclosure in a particular instance;
- (c) Does not apply to a substitute teacher as defined in ORS 342.815 when requested by a professional education association of which the substitute teacher may be a member; and
 - (d) Does not relieve a public employer of any duty under ORS 243.650 to 243.782.
- (4) Information submitted to a public body in confidence and not otherwise required by law to be submitted, where such information should reasonably be considered confidential, the public body has obliged itself in good faith not to disclose the information, and when the public interest would suffer by the disclosure.
- (5) Information or records of the Department of Corrections, including the State Board of Parole and Post-Prison Supervision, to the extent that disclosure would interfere with the rehabilitation of a person in custody of the department or substantially prejudice or prevent the

carrying out of the functions of the department, if the public interest in confidentiality clearly outweighs the public interest in disclosure.

- (6) Records, reports and other information received or compiled by the Director of the Department of Consumer and Business Services in the administration of ORS chapters 723 and 725 not otherwise required by law to be made public, to the extent that the interests of lending institutions, their officers, employees and customers in preserving the confidentiality of such information outweighs the public interest in disclosure.
 - (7) Reports made to or filed with the court under ORS 137.077 or 137.530.
- (8) Any public records or information the disclosure of which is prohibited by federal law or regulations.
- (9)(a) Public records or information the disclosure of which is prohibited or restricted or otherwise made confidential or privileged under Oregon law.
- (b) Subject to ORS 192.423, paragraph (a) of this subsection does not apply to factual information compiled in a public record when:
 - (A) The basis for the claim of exemption is ORS 40.225;
- (B) The factual information is not prohibited from disclosure under any applicable state or federal law, regulation or court order and is not otherwise exempt from disclosure under ORS 192.410 to 192.505;
- (C) The factual information was compiled by or at the direction of an attorney as part of an investigation on behalf of the public body in response to information of possible wrongdoing by the public body;
- (D) The factual information was not compiled in preparation for litigation, arbitration or an administrative proceeding that was reasonably likely to be initiated or that has been initiated by or against the public body; and
- (E) The holder of the privilege under ORS 40.225 has made or authorized a public statement characterizing or partially disclosing the factual information compiled by or at the attorney's direction.
- (10) Public records or information described in this section, furnished by the public body originally compiling, preparing or receiving them to any other public officer or public body in connection with performance of the duties of the recipient, if the considerations originally giving rise to the confidential or exempt nature of the public records or information remain applicable.
- (11) Records of the Energy Facility Siting Council concerning the review or approval of security programs pursuant to ORS 469.530.
- (12) Employee and retiree address, telephone number and other nonfinancial membership records and employee financial records maintained by the Public Employees Retirement System pursuant to ORS chapters 238 and 238A.
- (13) Records of or submitted to the State Treasurer, the Oregon Investment Council or the agents of the treasurer or the council relating to active or proposed publicly traded investments under ORS chapter 293, including but not limited to records regarding the acquisition, exchange or liquidation of the investments. For the purposes of this subsection:
 - (a) The exemption does not apply to:
- (A) Information in investment records solely related to the amount paid directly into an investment by, or returned from the investment directly to, the treasurer or council; or
- (B) The identity of the entity to which the amount was paid directly or from which the amount was received directly.

- (b) An investment in a publicly traded investment is no longer active when acquisition, exchange or liquidation of the investment has been concluded.
- (14)(a) Records of or submitted to the State Treasurer, the Oregon Investment Council, the Oregon Growth Board or the agents of the treasurer, council or board relating to actual or proposed investments under ORS chapter 293 or 348 in a privately placed investment fund or a private asset including but not limited to records regarding the solicitation, acquisition, deployment, exchange or liquidation of the investments including but not limited to:
- (A) Due diligence materials that are proprietary to an investment fund, to an asset ownership or to their respective investment vehicles.
- (B) Financial statements of an investment fund, an asset ownership or their respective investment vehicles.
- (C) Meeting materials of an investment fund, an asset ownership or their respective investment vehicles.
- (D) Records containing information regarding the portfolio positions in which an investment fund, an asset ownership or their respective investment vehicles invest.
- (E) Capital call and distribution notices of an investment fund, an asset ownership or their respective investment vehicles.
 - (F) Investment agreements and related documents.
 - (b) The exemption under this subsection does not apply to:
 - (A) The name, address and vintage year of each privately placed investment fund.
- (B) The dollar amount of the commitment made to each privately placed investment fund since inception of the fund.
- (C) The dollar amount of cash contributions made to each privately placed investment fund since inception of the fund.
- (D) The dollar amount, on a fiscal year-end basis, of cash distributions received by the State Treasurer, the Oregon Investment Council, the Oregon Growth Board or the agents of the treasurer, council or board from each privately placed investment fund.
- (E) The dollar amount, on a fiscal year-end basis, of the remaining value of assets in a privately placed investment fund attributable to an investment by the State Treasurer, the Oregon Investment Council, the Oregon Growth Board or the agents of the treasurer, council or board.
- (F) The net internal rate of return of each privately placed investment fund since inception of the fund.
- (G) The investment multiple of each privately placed investment fund since inception of the fund.
- (H) The dollar amount of the total management fees and costs paid on an annual fiscal yearend basis to each privately placed investment fund.
- (I) The dollar amount of cash profit received from each privately placed investment fund on a fiscal year-end basis.
- (15) The monthly reports prepared and submitted under ORS 293.761 and 293.766 concerning the Public Employees Retirement Fund and the Industrial Accident Fund may be uniformly treated as exempt from disclosure for a period of up to 90 days after the end of the calendar quarter.
- (16) Reports of unclaimed property filed by the holders of such property to the extent permitted by ORS 98.352.
- (17)(a) The following records, communications and information submitted to the Oregon Business Development Commission, the Oregon Business Development Department, the State

Department of Agriculture, the Oregon Growth Board, the Port of Portland or other ports as defined in ORS 777.005, or a county or city governing body and any board, department, commission, council or agency thereof, by applicants for investment funds, grants, loans, services or economic development moneys, support or assistance including, but not limited to, those described in ORS 285A.224:

- (A) Personal financial statements.
- (B) Financial statements of applicants.
- (C) Customer lists.
- (D) Information of an applicant pertaining to litigation to which the applicant is a party if the complaint has been filed, or if the complaint has not been filed, if the applicant shows that such litigation is reasonably likely to occur; this exemption does not apply to litigation which has been concluded, and nothing in this subparagraph shall limit any right or opportunity granted by discovery or deposition statutes to a party to litigation or potential litigation.
 - (E) Production, sales and cost data.
- (F) Marketing strategy information that relates to applicant's plan to address specific markets and applicant's strategy regarding specific competitors.
- (b) The following records, communications and information submitted to the State Department of Energy by applicants for tax credits or for grants awarded under ORS 469B.256:
 - (A) Personal financial statements.
 - (B) Financial statements of applicants.
 - (C) Customer lists.
- (D) Information of an applicant pertaining to litigation to which the applicant is a party if the complaint has been filed, or if the complaint has not been filed, if the applicant shows that such litigation is reasonably likely to occur; this exemption does not apply to litigation which has been concluded, and nothing in this subparagraph shall limit any right or opportunity granted by discovery or deposition statutes to a party to litigation or potential litigation.
 - (E) Production, sales and cost data.
- (F) Marketing strategy information that relates to applicant's plan to address specific markets and applicant's strategy regarding specific competitors.
- (18) Records, reports or returns submitted by private concerns or enterprises required by law to be submitted to or inspected by a governmental body to allow it to determine the amount of any transient lodging tax payable and the amounts of such tax payable or paid, to the extent that such information is in a form which would permit identification of the individual concern or enterprise. Nothing in this subsection shall limit the use which can be made of such information for regulatory purposes or its admissibility in any enforcement proceedings. The public body shall notify the taxpayer of the delinquency immediately by certified mail. However, in the event that the payment or delivery of transient lodging taxes otherwise due to a public body is delinquent by over 60 days, the public body shall disclose, upon the request of any person, the following information:
- (a) The identity of the individual concern or enterprise that is delinquent over 60 days in the payment or delivery of the taxes.
 - (b) The period for which the taxes are delinquent.
 - (c) The actual, or estimated, amount of the delinquency.
- (19) All information supplied by a person under ORS 151.485 for the purpose of requesting appointed counsel, and all information supplied to the court from whatever source for the purpose of verifying the financial eligibility of a person pursuant to ORS 151.485.

- (20) Workers' compensation claim records of the Department of Consumer and Business Services, except in accordance with rules adopted by the Director of the Department of Consumer and Business Services, in any of the following circumstances:
- (a) When necessary for insurers, self-insured employers and third party claim administrators to process workers' compensation claims.
- (b) When necessary for the director, other governmental agencies of this state or the United States to carry out their duties, functions or powers.
- (c) When the disclosure is made in such a manner that the disclosed information cannot be used to identify any worker who is the subject of a claim.
- (d) When a worker or the worker's representative requests review of the worker's claim record.
- (21) Sensitive business records or financial or commercial information of the Oregon Health and Science University that is not customarily provided to business competitors.
- (22) Records of Oregon Health and Science University regarding candidates for the position of president of the university.
 - (23) The records of a library, including:
 - (a) Circulation records, showing use of specific library material by a named person;
- (b) The name of a library patron together with the address or telephone number of the patron; and
 - (c) The electronic mail address of a patron.
- (24) The following records, communications and information obtained by the Housing and Community Services Department in connection with the department's monitoring or administration of financial assistance or of housing or other developments:
 - (a) Personal and corporate financial statements and information, including tax returns.
 - (b) Credit reports.
- (c) Project appraisals, excluding appraisals obtained in the course of transactions involving an interest in real estate that is acquired, leased, rented, exchanged, transferred or otherwise disposed of as part of the project, but only after the transactions have closed and are concluded.
 - (d) Market studies and analyses.
 - (e) Articles of incorporation, partnership agreements and operating agreements.
 - (f) Commitment letters.
 - (g) Project pro forma statements.
 - (h) Project cost certifications and cost data.
 - (i) Audits.
 - (j) Project tenant correspondence.
 - (k) Personal information about a tenant.
 - (L) Housing assistance payments.
- (25) Raster geographic information system (GIS) digital databases, provided by private forestland owners or their representatives, voluntarily and in confidence to the State Forestry Department, that is not otherwise required by law to be submitted.
- (26) Sensitive business, commercial or financial information furnished to or developed by a public body engaged in the business of providing electricity or electricity services, if the information is directly related to a transaction described in ORS 261.348, or if the information is directly related to a bid, proposal or negotiations for the sale or purchase of electricity or electricity services, and disclosure of the information would cause a competitive disadvantage

for the public body or its retail electricity customers. This subsection does not apply to cost-of-service studies used in the development or review of generally applicable rate schedules.

- (27) Sensitive business, commercial or financial information furnished to or developed by the City of Klamath Falls, acting solely in connection with the ownership and operation of the Klamath Cogeneration Project, if the information is directly related to a transaction described in ORS 225.085 and disclosure of the information would cause a competitive disadvantage for the Klamath Cogeneration Project. This subsection does not apply to cost-of-service studies used in the development or review of generally applicable rate schedules.
- (28) Personally identifiable information about customers of a municipal electric utility or a people's utility district or the names, dates of birth, driver license numbers, telephone numbers, electronic mail addresses or Social Security numbers of customers who receive water, sewer or storm drain services from a public body as defined in ORS 174.109. The utility or district may release personally identifiable information about a customer, and a public body providing water, sewer or storm drain services may release the name, date of birth, driver license number, telephone number, electronic mail address or Social Security number of a customer, if the customer consents in writing or electronically, if the disclosure is necessary for the utility, district or other public body to render services to the customer, if the disclosure is required pursuant to a court order or if the disclosure is otherwise required by federal or state law. The utility, district or other public body may charge as appropriate for the costs of providing such information. The utility, district or other public body may make customer records available to third party credit agencies on a regular basis in connection with the establishment and management of customer accounts or in the event such accounts are delinquent.
- (29) A record of the street and number of an employee's address submitted to a special district to obtain assistance in promoting an alternative to single occupant motor vehicle transportation.
- (30) Sensitive business records, capital development plans or financial or commercial information of Oregon Corrections Enterprises that is not customarily provided to business competitors.
- (31) Documents, materials or other information submitted to the Director of the Department of Consumer and Business Services in confidence by a state, federal, foreign or international regulatory or law enforcement agency or by the National Association of Insurance Commissioners, its affiliates or subsidiaries under ORS 86A.095 to 86A.198, 697.005 to 697.095, 697.602 to 697.842, 705.137, 717.200 to 717.320, 717.900 or 717.905, ORS chapter 59, 723, 725 or 726, the Bank Act or the Insurance Code when:
- (a) The document, material or other information is received upon notice or with an understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material or other information; and
- (b) The director has obligated the Department of Consumer and Business Services not to disclose the document, material or other information.
 - (32) A county elections security plan developed and filed under ORS 254.074.
 - (33) Information about review or approval of programs relating to the security of:
 - (a) Generation, storage or conveyance of:
 - (A) Electricity;
 - (B) Gas in liquefied or gaseous form;
 - (C) Hazardous substances as defined in ORS 453.005 (7)(a), (b) and (d);
 - (D) Petroleum products;

- (E) Sewage; or
- (F) Water.
- (b) Telecommunication systems, including cellular, wireless or radio systems.
- (c) Data transmissions by whatever means provided.
- (34) The information specified in ORS 25.020 (8) if the Chief Justice of the Supreme Court designates the information as confidential by rule under ORS 1.002.
 - (35)(a) Employer account records of the State Accident Insurance Fund Corporation.
- (b) As used in this subsection, "employer account records" means all records maintained in any form that are specifically related to the account of any employer insured, previously insured or under consideration to be insured by the State Accident Insurance Fund Corporation and any information obtained or developed by the corporation in connection with providing, offering to provide or declining to provide insurance to a specific employer. "Employer account records" includes, but is not limited to, an employer's payroll records, premium payment history, payroll classifications, employee names and identification information, experience modification factors, loss experience and dividend payment history.
- (c) The exemption provided by this subsection may not serve as the basis for opposition to the discovery documents in litigation pursuant to applicable rules of civil procedure.
 - (36)(a) Claimant files of the State Accident Insurance Fund Corporation.
- (b) As used in this subsection, "claimant files" includes, but is not limited to, all records held by the corporation pertaining to a person who has made a claim, as defined in ORS 656.005, and all records pertaining to such a claim.
- (c) The exemption provided by this subsection may not serve as the basis for opposition to the discovery documents in litigation pursuant to applicable rules of civil procedure.
- (37) Except as authorized by ORS 408.425, records that certify or verify an individual's discharge or other separation from military service.
- (38) Records of or submitted to a domestic violence service or resource center that relate to the name or personal information of an individual who visits a center for service, including the date of service, the type of service received, referrals or contact information or personal information of a family member of the individual. As used in this subsection, "domestic violence service or resource center" means an entity, the primary purpose of which is to assist persons affected by domestic or sexual violence by providing referrals, resource information or other assistance specifically of benefit to domestic or sexual violence victims.
- (39) Information reported to the Oregon Health Authority under ORS 431.964, except as provided in ORS 431.964 (2)(c) information disclosed by the authority under ORS 431.966 and any information related to disclosures made by the authority under ORS 431.966, including information identifying the recipient of the information.
- (40)(a) Electronic mail addresses in the possession or custody of an agency or subdivision of the executive department, as defined in ORS 174.112, a local government or local service district, as defined in ORS 174.116, or a special government body, as defined in ORS 174.117.
- (b) This subsection does not apply to electronic mail addresses assigned by a public body to public employees for use by the employees in the ordinary course of their employment.

United States Code § 552(b)

(b) This section does not apply to matters that are—

- (1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;
- (2) related solely to the internal personnel rules and practices of an agency;
- (3) specifically exempted from disclosure by statute (other than section 552b of this title), if that statute—
 - (A) (i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or (ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld; and
 - (B) if enacted after the date of enactment of the OPEN FOIA Act of 2009, specifically cites to this paragraph.
- (4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (9) geological and geophysical information and data, including maps, concerning wells.

Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this subsection. The amount of information deleted, and the exemption under which the deletion is made, shall be indicated on the released portion of the record, unless including that indication would harm an interest protected by the exemption in this subsection under which the deletion is made. If technically feasible, the amount of the information deleted, and the exemption under which the deletion is made, shall be indicated at the place in the record where such deletion is made.

- (1) Government records which, if disclosed, would constitute a clearly unwarranted invasion of personal privacy;
- (2) Government records pertaining to the prosecution or defense of any judicial or quasi-judicial action to which the State or any county is or may be a party, to the extent that such records would not be discoverable;
- (3) Government records that, by their nature, must be confidential in order for the government to avoid the frustration of a legitimate government function;
- (4) Government records which, pursuant to state or federal law including an order of any state or federal court, are protected from disclosure; and
- (5) Inchoate and draft working papers of legislative committees including budget worksheets and unfiled committee reports; work product; records or transcripts of an investigating committee of the legislature which are closed by rules adopted pursuant to section 21-4 and the personal files of members of the legislature.

Texas Government Code § 552.301

- (a) A governmental body that receives a written request for information that it wishes to withhold from public disclosure and that it considers to be within one of the exceptions under Subchapter C must ask for a decision from the attorney general about whether the information is within that exception if there has not been a previous determination about whether the information falls within one of the exceptions.
- (a-1) For the purposes of this subchapter, if a governmental body receives a written request by United States mail and cannot adequately establish the actual date on which the governmental body received the request, the written request is considered to have been received by the governmental body on the third business day after the date of the postmark on a properly addressed request.
- (b) The governmental body must ask for the attorney general's decision and state the exceptions that apply within a reasonable time but not later than the 10th business day after the date of receiving the written request.
- (c) For purposes of this subchapter, a written request includes a request made in writing that is sent to the officer for public information, or the person designated by that officer, by electronic mail or facsimile transmission.
- (d) A governmental body that requests an attorney general decision under Subsection (a) must provide to the requestor within a reasonable time but not later than the 10th business day after the date of receiving the requestor's written request:
 - (1) a written statement that the governmental body wishes to withhold the requested information and has asked for a decision from the attorney general about whether the information is within an exception to public disclosure; and
 - (2) a copy of the governmental body's written communication to the attorney general asking for the decision or, if the governmental body's written communication to the attorney general discloses the requested information, a redacted copy of that written communication.
- (e) A governmental body that requests an attorney general decision under Subsection (a) must within a reasonable time but not later than the 15th business day after the date of receiving the written request:
 - (1) submit to the attorney general:

- (A) written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld;
- (B) a copy of the written request for information;
- (C) a signed statement as to the date on which the written request for information was received by the governmental body or evidence sufficient to establish that date; and
- (D) a copy of the specific information requested, or submit representative samples of the information if a voluminous amount of information was requested; and
- (2) label that copy of the specific information, or of the representative samples, to indicate which exceptions apply to which parts of the copy.
- (e-1) A governmental body that submits written comments to the attorney general under Subsection (e)(1)(A) shall send a copy of those comments to the person who requested the information from the governmental body not later than the 15th business day after the date of receiving the written request. If the written comments disclose or contain the substance of the information requested, the copy of the comments provided to the person must be a redacted copy.
- (f) A governmental body must release the requested information and is prohibited from asking for a decision from the attorney general about whether information requested under this chapter is within an exception under Subchapter C if:
 - (1) the governmental body has previously requested and received a determination from the attorney general concerning the precise information at issue in a pending request; and
 - (2) the attorney general or a court determined that the information is public information under this chapter that is not excepted by Subchapter C.
- (g) A governmental body may ask for another decision from the attorney general concerning the precise information that was at issue in a prior decision made by the attorney general under this subchapter if:
 - (1) a suit challenging the prior decision was timely filed against the attorney general in accordance with this chapter concerning the precise information at issue;
 - (2) the attorney general determines that the requestor has voluntarily withdrawn the request for the information in writing or has abandoned the request; and
 - (3) the parties agree to dismiss the lawsuit.

California Government Code § 6275

It is the intent of the Legislature to assist members of the public and state and local agencies in identifying exemptions to the California Public Records Act. It is the intent of the Legislature that, after January 1, 1999, each addition or amendment to a statute that exempts any information contained in a public record from disclosure pursuant to subdivision (k) of Section 6254 shall be listed and described in this article pursuant to a bill authorized by a standing committee of the Legislature to be introduced during the first year of each session of the Legislature. The statutes and constitutional provisions listed in this article may operate to exempt certain records, or portions thereof, from disclosure. The statutes and constitutional provisions listed and described may not be inclusive of all exemptions. The listing of a statute or constitutional provision in this article does not itself create an exemption. Requesters of public records and public agencies are cautioned to review the applicable statute or constitutional provision to determine the extent to

which it, in light of the circumstances surrounding the request, exempts public records from disclosure.

Louisiana Revised Statutes § 44:4.1

Exceptions

- A. The legislature recognizes that it is essential to the operation of a democratic government that the people be made aware of all exceptions, exemptions, and limitations to the laws pertaining to public records. In order to foster the people's awareness, the legislature declares that all exceptions, exemptions, and limitations to the laws pertaining to public records shall be provided for in this Chapter or the Constitution of Louisiana. Any exception, exemption, and limitation to the laws pertaining to public records not provided for in this Chapter or in the Constitution of Louisiana shall have no effect.
- B. The legislature further recognizes that there exist exceptions, exemptions, and limitations to the laws pertaining to public records throughout the revised statutes and codes of this state. Therefore, the following exceptions, exemptions, and limitations are hereby continued in effect by incorporation into this Chapter by citation:
 - (1) R.S. 3:556.10, 558.10, 559.9, 750, 1401, 1413, 1430.7, 3204, 3221, 3370, 3421, 3524, 3706, 4021, 4110, 4162
 - (2) R.S. 6:103, 122, 135, 1308
 - (3) R.S. 9:172, 224, 313, 331.1, 395, 461, 1033, 3518.1, 3556, 3574.6, 3576.21
 - (4) R.S. 11:174
 - (5) R.S. 12:1702
 - (6) R.S. 13:1905, 2593, 3715.3, 3715.4, 3734, 4687, 5108.1, 5304, 5366(L)
 - (7) R.S. 14:403, 403.1, 403.5
 - (8) R.S. 15:242, 440.6, 477.2, 549, 570(F), 574.12, 578.1, 616, 660, 840.1, 1176, 1204.1, 1507, 1614
 - (9) R.S. 17:7.2, 46, 47, 81.9, 334, 391.4, 500.2, 1175, 1202, 1237, 1252, 1952, 1989.7, 2047, 2048.31, 3099, 3136, 3390, 3773, 3884
 - (10) R.S. 18:43, 44, 114, 116, 154, 1308, 1491.5, 1495.3, 1511.8
 - (11) R.S. 22:2, 14, 31, 42.1, 88, 244, 263, 265, 461, 550.7, 571, 572, 572.1, 574, 618, 639, 691.4, 691.5, 691.6, 691.7, 691.8, 691.9, 691.10, 732, 752, 753, 771, 834, 972(D), 1008, 1019.2, 1203, 1460, 1464, 1466, 1488, 1546, 1559, 1566(D), 1644, 1656, 1723, 1796, 1801, 1927, 1929, 1983, 1984, 2036, 2056, 2085, 2091, 2293, 2303.
 - (12) R.S. 23:1177, 1197, 1200.7, 1291, 1292, 1293, 1306, 1660, 1671
 - (13) R.S. 24:513, 513.1, 513.3, 518
 - (14) R.S. 26:921
 - (15) R.S. 27:13, 21, 22, 25, 45, 61, 237
 - (16) R.S. 28:56, 215.4
 - (17) R.S. 29:765
 - (18) R.S. 30:10.1, 209.1, 213, 215, 907, 908, 916, 2030, 2074, 2351, 2351.54, 2564
 - (19) R.S. 32:398, 707.2, 1254
 - (20) R.S. 33:1334, 2182, 2428, 4720.151, 4720.161, 4720.171, 4891, 9109, 9128, 9614
 - (21) R.S. 34:340.21, 1005
 - (22) R.S. 36:108

- (23) R.S. 37:74, 86, 90, 147, 691, 711.10, 763, 763.1, 781, 920.1, 969.1, 1123(E), 1277, 1278, 1285, 1326, 1518, 1745.15, 1747, 1806, 2156.1, 2406, 2505.1, 3481, 3507.1
- (24) R.S. 38:2212.1, 2220.3, 3053, 3104
- (25) R.S. 39:294, 1435
- (26) R.S. 40:3.1, 31.14, 31.27, 39.1, 41, 73, 526, 528, 1007, 1098.8, 1232.7, 1299.6, 1299.35.10, 1299.44, 1299.85, 1299.87, 1300.14, 1300.54, 1379.1.1(D), 1379.3, 2009.8, 2009.14, 2010.5, 2017.9, 2018, 2019, 2020, 2106, 2109.1, 2138, 2532, 2845.1
- (27) R.S. 41:1609
- (28) R.S. 42:17, 57, 1111, 1141, 1158, 1161
- (29) R.S. 44:19, 408, 425
- (30) R.S. 45:1313(C)
- (31) R.S. 46:56, 236.1.1 through 238, 284, 286.1, 439.1, 446.1, 1073, 1355, 1806, 1844, 1845, 1923, 2124.1, 2134, 2356, 2416, 2603, 2625, 2685
- (32) R.S. 47:15, 349, 633.6, 1508, 1515.3, 1516, 1524(G), 1837, 2130, 2327, 2605, 6026₁, 9006
- (33) R.S. 48:255.1
- (34) R.S. 49:220.25, 956, 997, 1055
- (35) R.S. 51:710.2(B), 705, 706, 936, 1404, 1926, 1934, 2182, 2262, 2318, 2389
- (36) R.S. 56:301.4, 306.5, 433.1(A)(4), 637
- (37) C.C.P. Arts. 891, 1426
- (38) C.Cr.P. Arts. 103, 877, 894, Title XXXIV of the Code of Criminal Procedure comprised of Articles 971 through 995.
- (39) Ch.C. Arts. 328, 404, 412, 424.6, 424.9, 441, 543, 545, 615, 616, 616.1, 663, 888, 891, 893, 920, 1007, 1106, 1107, 1185, 1186, 1187, 1207, 1213, 1229, 1235, 1252, 1273, 1283.5, 1283.10, 1416, 1453, and 1568
- C. The provisions of this Chapter shall not apply to any writings, records, or other accounts that reflect the mental impressions, conclusions, opinions, or theories of an attorney or an expert, obtained or prepared in anticipation of litigation or in preparation for trial.

1 Maine Revised Statutes § 432

Exceptions to public records; review

- 1. Recommendations. During the second regular session of each Legislature, the review committee may report out legislation containing its recommendations concerning the repeal, modification and continuation of public records exceptions and any recommendations concerning the exception review process and the accessibility of public records. Before reporting out legislation, the review committee shall notify the appropriate committees of jurisdiction concerning public hearings and work sessions and shall allow members of the appropriate committees of jurisdiction to participate in work sessions.
- 2. Process of evaluation. According to the schedule in section 433, the advisory committee shall evaluate each public records exception that is scheduled for review that biennium. This section does not prohibit the evaluation of a public record exception by either the advisory committee or the review committee at a time other than that listed in section 433. The following criteria apply in determining whether each exception scheduled for review should be repealed, modified or remain unchanged:
- A. Whether a record protected by the exception still needs to be collected and maintained;

- B. The value to the agency or official or to the public in maintaining a record protected by the exception;
- C. Whether federal law requires a record to be confidential;
- D. Whether the exception protects an individual's privacy interest and, if so, whether that interest substantially outweighs the public interest in the disclosure of records;
- E. Whether public disclosure puts a business at a competitive disadvantage and, if so, whether that business's interest substantially outweighs the public interest in the disclosure of records;
- F. Whether public disclosure compromises the position of a public body in negotiations and, if so, whether that public body's interest substantially outweighs the public interest in the disclosure of records;
- G. Whether public disclosure jeopardizes the safety of a member of the public or the public in general and, if so, whether that safety interest substantially outweighs the public interest in the disclosure of records;
- H. Whether the exception is as narrowly tailored as possible; and
- I. Any other criteria that assist the review committee in determining the value of the exception as compared to the public's interest in the record protected by the exception.

Revised Code of Washington § 42.56.060

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 provisions of this chapter.