

Statements by Oregon Appellate Courts

MacEwan v. Holm, et al., 226 Or 27 (1961):

Writings coming into the hands of public officers in connection with their official functions should generally be accessible to members of the public so that there will be an opportunity to determine whether those who have been entrusted with the affairs of government are honestly, faithfully and competently performing their function as public servants.

* * * *

In balancing the interests referred to above, the scales must reflect the fundamental right of a citizen to have access to public records as contrasted with the incidental right of the agency to be free from unreasonable interference.

Jordan v. Motor Vehicles Division, 308 Or 433 (1989):

Our decisions reflect the preference for a policy of governmental openness in Oregon. [Oregon case law] states the strong and enduring policy that public records and governmental activities be open to the public.

Kluge v. Oregon State Bar, 172 Or App 452 (2001):

Oregon has a “strong and enduring policy that public records and governmental activities be open to the public.” * * * The guiding principle in Oregon is to protect the public's right to inspect public records. * * * Disclosure is the rule and exemptions from disclosure are to be narrowly construed. * * * When a public body withholds public records from disclosure, that body carries the burden of sustaining that action upon judicial review.

City of Portland v. Oregonian Publishing Company, 200 Or App 120 (2005):

Oregon has a “strong and enduring policy that public records and governmental activities be open to the public * * *”, a policy embodied in a statutory presumption that documents will be disclosed to the public. * * * Exemptions from disclosure are to be narrowly construed.

Colby v. Gunson, 224 Or App 666 (2008):

Any exemption from disclosure under the Public Records Law must be explicitly stated by statute and not merely implied by the law. The underlying policy of the Public Records Law favors the disclosure of public records. Oregon has a “strong and enduring policy that public records and governmental activities be open to the public.” * * * Consistently with this policy, ORS 192.420(1) creates a broad right to inspect public records “ except as otherwise expressly provided by ORS

192.501 to 192.505.” That means that exemptions from disclosure must be “expressly” stated in the law. ORS 192.420(1) forbids giving effect to any implicit and broader meaning of a statutory exemption from disclosure under ORS 192.501 to 192.505 than what the statute “expressly” allows.

Port of Portland v. Oregon Center for Environmental Health, 238 Or App 404 (2010):

The public records law encapsulates the “strong and enduring policy that public records and governmental activities be open to the public.” * * * Accordingly, we narrowly construe any exemptions from disclosure and the public body asserting the exemption has the burden of sustaining that action.

Policy Statements from Other States

West Virginia Code §29B-1-1:

Pursuant to the fundamental philosophy of the American constitutional form of representative government which holds to the principle that government is the servant of the people, and not the master of them, it is hereby declared to be the public policy of the state of West Virginia that all persons are, unless otherwise expressly provided by law, entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments of government they have created. To that end, the provisions of this article shall be liberally construed with the view of carrying out the above declaration of public policy.

Vermont Statutes Title I, Chapter 5 § 315(a):

It is the policy of this subchapter to provide for free and open examination of records consistent with Chapter I, Article 6 of the Vermont Constitution. Officers of government are trustees and servants of the people and it is in the public interest to enable any person to review and criticize their decisions even though such examination may cause inconvenience or embarrassment. All people, however, have a right to privacy in their personal and economic pursuits, which ought to be protected unless specific information is needed to review the action of a governmental officer. Consistent with these principles, the General Assembly hereby declares that certain public records shall be made available to any person as hereinafter provided. To that end, the provisions of this subchapter shall be liberally construed to implement this policy, and the burden of proof shall be on the public agency to sustain its action.