

From: [HERKERT Mary E * SOS](#)
To: [KRON Michael C](#)
Subject: Thoughts on Personal Exemptions
Date: Monday, January 14, 2019 10:36:07 AM

Michael,

I've been thinking about this since our last meeting and have decided that I would like to make the following proposal. I would like to propose that we table the discussion on personal exemptions since it doesn't seem like we are making any progress toward consensus. Admittedly, this is the most difficult of all of the exemptions and since we can't seem to come to an agreement, my fear is that keeping the personal exemption statutes status quo will be seen as a monumental failure by the Legislature.

My recommendation would be to table personal exemptions for now, look at the "low hanging fruit" and address those, and work our way back to personal exemptions. This way, we will have built momentum, a process, and credibility of the Sunshine Committee so when we come back to personal exemptions we will be better prepared. In addition, if at that point we recommend leaving personal exemptions as is or simply combine the exemptions into one, we have the benefit of our previous work justifying our decision.

Thanks for giving me this opportunity and if you would like to discuss this further please give me a call.

Mary Beth

From: [Brent Walth](#)
To: [Kron Michael C](#)
Subject: Sunshine Committee comments
Date: Sunday, January 13, 2019 10:34:20 PM

Michael:

Thanks for the opportunity to weigh in on the personal information questions before the Sunshine Committee. Sorry that this is coming in after deadline, but I hope it helps. Any effort the Sunshine Committee can make to streamline, consolidate and otherwise clarify the personal information standards under ORS 192 would certainly help. The balancing test that's now in place is, in my experience, applied unevenly across state and local government agencies. That said, it does allow a requestor to make an argument for disclosure.

This brief note is not the place to get into specifics, but I'll echo what I've offered before in terms of the big picture. Any proposal from the Sunshine Committee should make clear that the committee does not favor any changes that narrow the path for disclosure. In other words, I'm hoping the committee will propose changes that maintain the current standards for disclosure and even seek ways to increase disclosure in some areas. To do otherwise runs counter to our statutory mission, as described in ORS 192.511(3)(c) and (d): to identify ways in which current practices and law impede transparency, and to recommend changes that enhance transparency. I believe we should do both here.

Best,
—Brent

From: [Eileen Eakins](#)
To: [Kron Michael C](#)
Cc: [MCCALL Ginger * PRC](#)
Subject: RE: Sunshine Committee: Report from Public Records Advocate & January Meeting
Date: Wednesday, January 02, 2019 12:59:04 PM

Michael:

I'm copying Ginger on this email because I want to commend her and her office for a really thorough and helpful review. It helped me organize my thoughts a little better on how to approach this beast.

First, we could consolidate a lot of the verbiage on PII exemptions by developing a clear definition of what is included in PII, and then listing in one rule all the various individuals for whom it can be kept private if it has no bearing on the business of the public entity. In my opinion, that would and should include current, past, and retired public employees; volunteers for public agencies; and members of the public who use government services or file complaints with government agencies. I posit that one of our driving policy considerations should be whether it's government's role to be the easiest way to obtain personal, non-business-related information about people associated with that government.

Since, as the report points out, the public agency generally has discretion to decide any balancing tests, I like some other jurisdictions' approach of being able to limit the scope of the disclosure to a single person for a stated purpose, and imposing strong penalties for doing otherwise. This may help address concerns expressed by members of the media that blanket exemptions from disclosure should not apply to them (though in my opinion "making life easier for the media" should not necessarily be a major consideration for this Committee, particularly, as the report also points out, this information is generally easily found elsewhere with some effort).

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From: [Karin Johnson](#)
To: [Kron Michael C](#)
Subject: RE: Upcoming Meeting - January 23, in Portland
Date: Friday, January 11, 2019 2:33:46 PM
Attachments: [image001.png](#)

Hi, Michael – I do not have anything to add. I found Ginger’s report very informative, and agree with her conclusions.

Karin Johnson, MMC

City Recorder

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“The traveler sees what he sees. The tourist sees what he has come to see.” – G.K. Chesterson

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To: Oregon Sunshine Committee Members
From: Michael Kron, Oregon Sunshine Committee Chair
Re: Discussion draft of a proposal concerning exemptions for personal contact information.
Date: June 20, 2018

The Sunshine Committee recommends that the legislature eliminate the numerous existing exemptions that protect contact information only of specific classes of individuals. Those should be replaced with a single, stand-alone exemption that treats personal contact information consistently. The legislature should ensure that the exemption adequately protects the contact information of individuals who would be endangered by having their contact information disclosed. Otherwise, the legislature should strike a balance that generally protects the personal privacy of Oregonians while still allowing legitimate uses of the information in the public interest.