

The subcommittee's mission is to define PII and then questions, issues, and concerns.

Identify PII

Identify issues and concerns with current law

Come back to the committee

Identify problems to address

- What are the different kinds of PII that would be covered - whether and how should different kinds of PII be treated differently?
 - **Statute definition of PII -- statutes currently describe these and more:**
 - SSN
 - Home Address
 - Personal telephone numbers
 - Personal Email
 - Drivers license
 - Dates of birth
 - Admin generated tracking numbers
 - Physical address of licensed persons / Business addresses
 - Work email address and work phone numbers
 - **Not exempt from disclosure**
 - Name (first/last)
 - Personal safety request
 - Individuals who request this can request from any government entity
 - How the government got the information
 - opt in (privilege)
 - drivers license
 - could not choose (right)
 - e.g. divorce proceedings <-- courts operate under different rules for separation of powers reasons
 - register to vote
 - Work toward a comprehensive statute to describe all? Let's not.
 - Classifying information
 - Individual piece of information that identifies
 - Pieces of information together that identify
 - **Definition and where to combine all the statutes into one place**
 - Neutral on increasing or decreasing access to PII
 - Business use case vs public interest test
 - like the "reasonable person standard"
 - address plus name -- what is the "business purpose"? or could we just say "what is the broader public purpose"
 - **Better define the balancing test**
 - Examples - who is asking and why?
 - What is the public interest?
 - Add criteria for making the call
 - AG opinion on what media is -- tied to language in the public meeting statute

- “value to the public at large no to a person at a particular time”
 - how far does the requester have to go to prove that the request could benefit the public?
 - What about requests for information that aren’t public records requests?
 - “explain to me what happened here” --> no document that explains; are you looking for confirmation or “a record”; how to help citizens frame requests...
 - What would an oregonian consider to be public vs private?
 - What is fair for everyone and what is fair for me?
 - What are the problems a journalist faces?
 - Deadline - verifying personal information (DOB, address, neighbors)
 - Inability to verify information because can’t access
 - Long term or data projects (finding patterns)
 - Verify who we’re talking about, identify patterns/trends, see things that aren’t otherwise immediately visible
 - What’s the hardest thing?
 - Agencies that say “its personal information, absolutely not”
 - Agency not willing to hear the public interest test
 - Government information is trusted
 - There’s a lot of information that’s currently publicly available
 - What are the problems government faces
 - “vigilantes” - self appointed watch dogs that believe the government isn’t telling them the truth, comes to a certain point where it is harassment of local government
 - maybe a separate issue.
 - could gov’t agencies come up with a solution though?
 - 2018 - time deadlines are potentially difficult
 - **focus on reducing the subjectivity of the law**
 - **liability for disclosing too much - blanket coverage for liability for exposing too much information <-- example of a liability waiver ??**
 - Statutes that speak to this:
 - (192.363) home health care workers and (public employees personal information request lists home/email/phone -- and more) *requestor* has the burden to show public interest; burden is normally on *agency* to prove there is no public interest
 - 192.380 - specific liability for disclosure of personal information
 - ??? statute has “clear and convincing” language in it
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 - How often are issues involving counsel involve PII
 - some from sheriff’s offices because police reports have PII
- what are the particular and specific issues people have with the way the public records law addresses PII now?
- In what ways should the law change?
- What should never be exempt / what should always be exempt
- Public interest reasons why different kinds of PII should be disclosed

Identify steps / solutions

- defining what disclosure means / licensing model
 - § publicly to everyone
 - § press using info to verify things
 - § enforcement
- rules that apply to bulk data access
- find a way to consolidate all PII into one exemption (or fewer exemptions)

Recommendation to full committee

Action: Each member of the committee draft some language for discussion at next meeting to form a recommendation for the Sunshine Committee on PII.