

Public Records Exemption Summaries for March 2019 Sunshine Committee Meeting

Attached are summaries for 21 statutory exemptions that generally relate to personal financial information. They are organized as follows:

Personal Financial Information Disclosed in Court Proceedings:

- ORS 21.698: information supporting an application for waiver or defer of court fees and costs
- ORS 151.495: information supporting a defendant's request for court-appointed counsel
- ORS 192.355(19): information supporting a defendant's request for court-appointed counsel

Various Tax Returns:

- ORS 118.525: estate tax returns
- ORS 173.850: tax return information shared with Legislative Revenue Officer
- ORS 297.060: income tax return information shared with the Secretary of State
- ORS 305.225: tax return information shared with law enforcement
- ORS 308.290: personal and real property tax returns
- ORS 314.835: income tax returns
- ORS 673.415: certain preparer and taxpayer info provided to the Board of Accountancy
- ORS 673.710: certain preparer and taxpayer info provided to the Board of Tax Practitioners
- ORS 673.730: info gathered by Board of Tax Practitioners during certain investigations

Financial Account Information:

- ORS 178.350: individual account info of participants in the Oregon 529 Savings Network
- ORS 192.345(27): financial info provided to a public body to facilitate the transfer of funds
- ORS 192.586: customer financial records provided by a financial institution to the Treasurer
- ORS 706.730: depositor and debtor bank account information
- ORS 725A.090: info in the loan tracking system used by title and payday loan companies

Abandoned Property:

- ORS 98.352: reports of abandoned property filed with Dept of State Lands
- ORS 192.355(16): reports of abandoned property filed with Dept of State Lands

Miscellaneous:

- ORS 657.734: info in the Employment Dept's Performance Reporting Information System
- ORS 744.346: certain information pertaining to life insurance policyholders

Exemption Statute and Title: [ORS 21.698](#) Confidentiality of Information Related to Waiver or Deferral

Summary: Under [ORS 21.682](#), a judge may waive or defer all or part of the fees and court costs payable to the court by a party in a civil action or proceeding, if the judge finds that the party is unable to pay all or any part of the fees and costs. ORS 21.698 provides that information provided by a party in support of an application for a waiver or deferral is confidential.

Relevant Text:

[ORS 21.698\(1\)](#). Except as provided in subsection (2) of this section, information supplied by a person filing an application for waiver or deferral of fees or court costs, and information collected by the courts for purposes of determining eligibility for waiver or deferral of fees or costs, is confidential and may not be used for any purpose other than determining eligibility for waiver or deferral.

Key Terms, Definitions and References: N/A.

Enumerated Exceptions or Public Interest Balancing Test? No. There are no enumerated exceptions for purposes of general public disclosure. However, ORS 21.698(2) contains several enumerated exceptions that permit the use or introduction of such information for certain official purposes and court proceedings.

Cited in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 151.495](#) Confidentiality of Information Obtained by State Courts

Summary: Provides confidentiality for information submitted to a court to determine the financial eligibility of a person for appointed counsel. Substantially identical to [ORS 192.355\(19\)](#), which expressly exempts this information from public disclosure.

Relevant Text:

[ORS 151.495\(1\)](#). All information supplied by a person seeking appointed counsel and all information collected by the state courts for purposes of determining financial eligibility for appointed counsel under ORS 151.485 to 151.497 is confidential and shall not be used for any purpose other than determining financial eligibility.

Key Terms, Definitions and References: N/A.

Enumerated Exceptions or Public Interest Balancing Test? No. There are no enumerated exceptions for purposes of general public disclosure. However, ORS 151.495(2) contains several enumerated exceptions that permit the use or introduction of such information for certain official purposes and court proceedings.

Cited in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 192.355\(19\)](#) Public Records Exempt From Disclosure

Summary: Expressly exempts from disclosure any information submitted to a court to determine the financial eligibility of a person for appointed counsel. Substantially identical to [ORS 151.495](#), which makes this information confidential.

Relevant Text: [ORS 192.355](#). The following public records are exempt from disclosure under ORS 192.311 to 192.478:

(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](#).

Key Terms, Definitions and References:

[ORS 151.485](#) details the criteria for determining financial eligibility for court-appointed counsel.

Enumerated Exceptions or Public Interest Balancing Test? No.

Cited in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 118.525](#) Disclosure of Return Information

Summary: Prohibits Department of Revenue personnel from disclosing the details of estate tax returns.

Relevant Text:

[ORS 118.525\(1\)](#). It shall be unlawful for the Department of Revenue or any of its officers or employees to divulge or make known in any manner any particulars disclosed in any return or supporting data required under this chapter. Except for executors or beneficiaries and their authorized representatives, it shall be unlawful for any person or entity who has acquired information pursuant to subsections (3) and (4) of this section to divulge or make known such information for any purpose other than that specified in the provisions of law authorizing the use or disclosure. No subpoena or judicial order shall be issued compelling the department, or its officers or employees, or persons described in subsections (3) and (4) of this section, to divulge or make known any particulars disclosed in any such return or supporting data except where the liability for estate taxes is to be adjudicated by the Oregon Tax Court. Nothing in this section shall prohibit the publication of statistics so classified as to prevent the identification of particulars in any return or supporting data covered by this section.

Key Terms, Definitions and References:

[ORS 118.525\(2\)](#). As used in this section:

- (a) “Officer,” “employee” or “person” includes an authorized representative of the officer, employee or person, or former officer, employee or person, or an authorized representative of such former officer, employee or person.
- (b) “Particulars” includes, but is not limited to, a taxpayer’s name, address, telephone number, Social Security number and the amount of refund claimed by or granted to a taxpayer.

Enumerated Exceptions or Public Interest Balancing Test? Yes. Several enumerated exceptions for disclosures to the IRS, as necessary to accomplish various official functions (such as collection activities), and for disclosures to the executor or beneficiary of an estate if the department determines they have a material interest that will be affected by such information. See [ORS 118.525\(3\)-\(5\)](#).

Cited in Court Cases, AG Opinions and/or Public Records Orders? No.

**Exemption Statute and Title: [ORS 173.850](#) Department of Revenue to Provide Assistance;
Status of Reports and Information**

Summary: The statute generally authorizes the Department of Revenue to share tax return information with the Legislative Revenue Officer for certain official purposes. Subsection (2)(b) provides that the confidentiality provisions of ORS 314.835 and 314.840 – which apply generally to Department of Revenue personnel – also apply to the Legislative Revenue Officer and his or her staff.

Relevant Text: [ORS 173.850\(2\)](#)

(a) The department shall disclose and give access to the Legislative Revenue Officer or any authorized representatives to the information described in ORS 314.835 only if the request for the information is made in writing, specifies the purposes for which the request is made or information required and is signed by the Legislative Revenue Officer or an authorized representative. The form for request for information made under this paragraph shall be prescribed by the Legislative Revenue Officer and approved by the Director of the Department of Revenue.

(b) The department shall keep on file the request for information made pursuant to this subsection. The requests constitute a public record within the meaning of ORS 192.311 to 192.478. ORS 314.835 and 314.840(3) relating to the confidentiality of tax information apply to the Legislative Revenue Officer, authorized representatives, staff and employees of the Legislative Revenue Officer.

Key Terms, Definitions and References:

The Legislative Revenue Officer conducts research and makes estimates, assesses fiscal impacts and provides recommendations to the Legislative Assembly concerning state revenues. See [ORS 173.820](#).

Enumerated Exceptions or Public Interest Balancing Test? See [ORS 314.835](#) and [314.840](#).

Cited in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 297.060](#) Confidentiality of Tax Records; Penalty for Disclosure

Summary: Prohibits employees of the Office of the Secretary of State from disclosing the particulars of any income tax returns provided by the Department of Revenue for the purpose of conducting audits. Violation is a Class C felony.

Relevant Text: [ORS 297.060](#)

Information furnished to the Secretary of State by the Department of Revenue and made confidential by [ORS 314.835](#) shall be used by the Secretary of State and the officers and employees of the Secretary of State solely for the purposes of performing the functions of the office of Auditor of Public Accounts as required by section 2, Article VI of the Oregon Constitution, and shall not be used or disclosed for any other purpose. Any person who violates this prohibition against disclosure, upon conviction, is punishable as provided by [ORS 314.991](#).

Key Terms, Definitions and References: *See* [ORS 314.835](#).

Enumerated Exceptions or Public Interest Balancing Test? No.

Cited in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 305.225](#) Request of Assistance By Law Enforcement Agency; Disclosure of Tax Records

Summary: Authorizes the Department of Revenue to share the particulars of income tax returns with law enforcement when such assistance is necessary to insure compliance with laws administered by the Department of Revenue. Prohibits law enforcement from seeking or disclosing such information in connection with any investigations or prosecutions for crimes not related to filing of false or fraudulent tax returns.

Relevant Text: [ORS 305.225](#)

(1) Notwithstanding [ORS 314.835](#), if the Department of Revenue determines that assistance of a law enforcement agency is necessary to insure compliance with any of the laws of this state administered by it, the department may request such assistance. In connection with assistance requested under this section only, the Department of Revenue may disclose a tax return, report or claim, or information in its files regarding a tax return, report or claim permitted or required to be filed with the department under any law administered by the department to the Oregon State Police, district attorney, grand jury, judicial authority or local law enforcement agency for the investigation or the prosecution of violations of the criminal laws of this state relating to perjury, theft or forgery if those violations occur in connection with the filing of such a return, report or claim, or of the tax laws of this state. Disclosure under this section shall be solely for the purpose of investigation or prosecution of violations involving the filing of a false or fraudulent return, report or claim, wherein the validity of the return, report or claim, or information contained therein, is at issue. Returns, reports or claims, or information contained therein shall not be disclosed if the purpose for which the information is sought is as evidence of a crime unrelated to the validity of the return, report or claim, or the information contained therein, supplied to the department or if the information is requested by a law enforcement agency in connection with any other investigation or prosecution.

Key Terms, Definitions and References: N/A.

Enumerated Exceptions or Public Interest Balancing Test? No.

Cited in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 308.290](#) Returns

Summary: Makes confidential all personal and real property tax returns in the custody of the Department of Revenue or the county assessor's office.

Relevant Text:

[ORS 308.290\(7\)\(a\)](#). All returns filed under [ORS 308.290] and ORS 308.525 and 308.810 are confidential records of the Department of Revenue or the county assessor's office in which the returns are filed or of the office to which the returns are forwarded under paragraph (b) of this subsection.

Key Terms, Definitions and References:

[ORS 308.290](#) generally prescribes the requirements for reporting personal and real property taxes.

[ORS 308.525](#) relates to certain statements that companies must file with the Department of Revenue that include, among other things, information about real and personal property owned by the company.

[ORS 308.810](#) relates to statements filed by various cooperative electric distribution associations.

Enumerated Exceptions or Public Interest Balancing Test? No.

Cited in Court Cases, AG Opinions and/or Public Records Orders? Yes.

[PRO Murray](#) (1/2/2004): Denied a petition that sought the disclosure of Department of Revenue information about certain properties because the information could be derived only from property tax returns made confidential by ORS 308.290.

Exemption Statute and Title: [ORS 314.835](#) Divulging Particulars of Returns and Prohibited

Summary: Prohibits employees of the Department of Revenue from disclosing the particulars of income tax returns. Prohibits any other person authorized access to the information from redisclosing or using the information for an unauthorized purpose.

Relevant Text:

[ORS 314.835\(1\)](#). Except as otherwise specifically provided in rules adopted under [ORS 305.193](#) or in other law, it shall be unlawful for the Department of Revenue or any officer or employee of the department to divulge or make known in any manner the amount of income, expense, deduction, exclusion or credit or any particulars set forth or disclosed in any report or return required in the administration of any local tax pursuant to [ORS 305.620](#) or required under a law imposing a tax upon or measured by net income. It shall be unlawful for any person or entity to whom information is disclosed or given by the department pursuant to [ORS 314.840\(2\)](#) or any other provision of state law to divulge or use such information for any purpose other than that specified in the provisions of law authorizing the use or disclosure. No subpoena or judicial order shall be issued compelling the department or any of its officers or employees, or any person who has acquired information pursuant to [ORS 314.840\(2\)](#) or any other provision of state law to divulge or make known the amount of income, expense, deduction, exclusion or credit or any particulars set forth or disclosed in any report or return except where the taxpayer's liability for income tax is to be adjudicated by the court from which such process issues.

Key Terms, Definitions and References:

“Particulars” includes, but is not limited to, a taxpayer's name, address, telephone number, Social Security number, employer identification number or other taxpayer identification number and the amount of refund claimed by or granted to a taxpayer. [ORS 314.835\(b\)](#).

Enumerated Exceptions or Public Interest Balancing Test? No.

Cited in Court Cases, AG Opinions and/or Public Records Orders? Yes, several PROs.

[PRO Cole](#) (10/5/2012): Denied a petition from the Oregonian seeking an order to the Department of Revenue to disclose certain information because it contained, in part, income tax particulars. The PRO provides a good summary of the AG's previous interpretations of the statute, to include a reference to a 1949 AG Opinion that concluded:

This act constitutes the state's compact and pledge to the taxpayer that his tax return shall be kept inviolate, confidential and privileged, and not disclosed to any one, nor in any manner, except as specifically authorized by the act itself, and will be used only for the purposes specifically provided. 24 Op Atty Gen 261 (1949).

Exemption Statute and Title: [ORS 673.415](#) Furnishing of Signature Block of Income Tax Return or Report by Department of Revenue

Summary: Permits the Department of Revenue to furnish to the Board of Accountancy the signature block of tax returns prepared by any person for another person, along with certain taxpayer biographical information. Prohibits Board employees from disclosing such information for any purpose other than determining whether the return was prepared in violation of various statutory provisions. Makes unauthorized disclosure a Class C felony.

Relevant Text: [ORS 673.415](#)

(1) The Department of Revenue may furnish to the Oregon Board of Accountancy a copy of the signature block of an income tax return prepared by any person for another. The signature block may be furnished in instances in which the department or the board has reasonable grounds to believe the person preparing the return prepared it in violation of any provision of ORS 673.010 to 673.465. The signature block shall include the name, address and signature of the person who prepared the income tax return and the date the return was prepared. The department may include with the signature block the name and address of the taxpayer, the number of the tax form prepared, the tax year of the income tax return prepared and the information described in ORS 314.835. The board, and its members, officers and employees, shall use the names and addresses furnished under this section solely in the enforcement of ORS 673.010 to 673.465 and shall not otherwise divulge or make known such information. A violation of this prohibition against disclosure is punishable as provided in ORS 314.991(2).

(2) The Department of Revenue may furnish to the board a copy of the signature block of a tax return or report permitted or required to be filed with the department and prepared by any person for another. The signature block may be furnished in instances where the department or the board has reasonable grounds to believe the person preparing the return or report prepared it in violation of any provision of ORS 673.010 to 673.465, or any rule adopted thereunder. The signature block shall include the name, address and signature of the person who prepared the tax return or report and the date the return or report was prepared. The department may include with the signature block the name and address of the taxpayer, the number of the tax form or report prepared, the tax year of the return or report prepared and the information described in ORS 314.835. The board, its members, officers and employees, shall use the names and addresses furnished under this section solely in the enforcement of ORS 673.010 to 673.465 and shall not divulge or make known such information. Any person who violates this prohibition against disclosure, upon conviction, is punishable as provided in ORS 314.991(2).

Key Terms, Definitions and References:

[ORS 673.010](#) to [673.465](#) pertain to the regulation of accountants.

Enumerated Exceptions or Public Interest Balancing Test? No

Cited in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 673.710](#) Names of Tax Preparers and Other Information Furnished by Department of Revenue

Summary: Permits the Department of Revenue to furnish to the State Board of Tax Practitioners certain information about the preparer, if prepared by someone other than the taxpayer. Permits the Department to provide the Board with information about the taxpayer when there are grounds to believe the return was prepared in violation of various statutory provisions. Prohibits Board employees from disclosing such information for any purpose other than determining whether the return was prepared in violation of various statutes. Makes unauthorized disclosure a Class C felony.

Relevant Text: [ORS 673.710](#)

(1) If a personal income tax return is prepared by someone other than the taxpayer, the Department of Revenue may furnish to the State Board of Tax Practitioners a copy of that portion of the return that shows:

- (a) The name, business name and address of the preparer;
- (b) The date of preparation; and
- (c) The signature of the preparer.

(2) In instances where the department or the board has reasonable grounds to believe the person preparing the return prepared it in violation of ORS 673.605 to 673.740, the department may furnish the following additional information:

- (a) The name and address of the taxpayer;
- (b) The identifying number used on any form, report or schedule filed as part of the return;
- (c) The tax year reported on the return, or any portion of the return; and
- (d) The information described in ORS 314.835.

(3) The board, its members, officers and employees, shall use the names and addresses furnished under this section solely in the enforcement of ORS 673.605 to 673.740 and shall not otherwise divulge or make known such information. Any person who violates this prohibition against disclosure, upon conviction, is punishable as provided in ORS 314.991(2).

Key Terms, Definitions and References:

[ORS 673.605](#) to [673.740](#) pertain to the regulation of licensed tax practitioners.

Enumerated Exceptions or Public Interest Balancing Test? No.

Cited in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 673.730](#) Powers of Board

Summary: Makes information gathered by the State Board of Tax Practitioners during certain investigations conditionally confidential until the Board makes a final determination. Permits the Board to keep personal financial information gathered during an investigation, including tax returns, conditionally confidential after a final order or determination by the Board.

Relevant Text: [ORS 673.730](#). The State Board of Tax Practitioners shall have the following powers, in addition to the powers otherwise granted by ORS 673.605 to 673.740, and shall have all powers necessary or proper to carry the granted powers into effect:

(3) To investigate alleged violations of ORS 673.605 to 673.740, or any rule or order adopted thereunder. The board may keep information gathered pursuant to an investigation by the board confidential until there is a final order or determination by the board, unless disclosure is considered necessary by the board for the investigation or prosecution of an alleged violation of ORS 673.605 to 673.740, or any rule or order adopted thereunder. The board may keep personal financial information gathered pursuant to an investigation by the board confidential after a final order or determination by the board, unless disclosure is considered necessary by the board for the investigation or prosecution of an alleged violation of ORS 673.605 to 673.740, or any rule or order adopted thereunder. For purposes of this subsection, personal financial information includes but is not limited to tax returns.

Key Terms, Definitions and References:

[ORS 673.605](#) to [673.740](#) pertain to the regulation of licensed tax practitioners.

Enumerated Exceptions or Public Interest Balancing Test? Yes. Confidential information, including personal financial information, may be disclosed if the Board deems it necessary for the investigation or prosecution of alleged violations of [ORS 673.605](#) to [673.740](#).

Cited in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 178.350](#) Designated Beneficiary of Account for Higher Education Expenses; Confidentiality of Account Information

Summary: Makes confidential the individual account information of participants in the Oregon 529 Savings Network.

Relevant Text:

[ORS 178.350\(4\)](#). Individual account information, including but not limited to names, addresses, telephone numbers, personal identification information, amounts contributed and earnings on amounts contributed, is confidential and must be maintained as confidential:

- (a) Except to the extent necessary to administer the Oregon 529 Savings Network in a manner consistent with ORS 178.300 to 178.355, Oregon tax laws and the Internal Revenue Code; or
- (b) Unless the person who provides the information or is the subject of the information expressly agrees in writing that the information may be disclosed.

Key Terms, Definitions and References: N/A.

Enumerated Exceptions or Public Interest Balancing Test? Enumerated exceptions above.

Cited in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 192.345\(27\)](#) Public Records Conditionally Exempt From Disclosure

Summary: Personal financial information, such as a credit card number, provided to a public body to facilitate the transfer of funds is conditionally exempt from disclosure.

Relevant Text: [ORS 192.345](#). The following public records are exempt from disclosure under ORS 192.311 to 192.478 unless the public interest requires disclosure in the particular instance:

(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.

Key Terms, Definitions and References: N/A.

Enumerated Exceptions or Public Interest Balancing Test? Yes. Exempt unless the public interest requires disclosure in the particular instance.

Cited in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 192.586](#) Disclosure of Financial Records Prohibited; Exceptions

Summary: Conditionally exempts the financial records of a customer provided by a financial institution to the State Treasurer if the records relate to state investments in commercial mortgages involving the customer.

Relevant Text: [ORS 192.586](#)

(1) Except as provided in ORS 192.588, 192.589, 192.591, 192.593, 192.596, 192.597, 192.598 and 192.603 or as required by ORS 25.643 and 25.646 and the Uniform Disposition of Unclaimed Property Act, ORS 98.302 to 98.436 and 98.992 and section 2 of this 2017 Act:

(a) A financial institution may not provide financial records of a customer to a state or local agency.

(b) A state or local agency may not request or receive from a financial institution financial records of customers.

(2) Subsection (1) of this section does not preclude a financial institution, in the discretion of the financial institution, from initiating contact with, and thereafter communicating with and disclosing customer financial records to:

(a) Appropriate state or local agencies concerning a suspected violation of the law.

(b) The office of the State Treasurer if the records relate to state investments in commercial mortgages involving the customer. The records and the information contained therein are public records but are exempt from disclosure under ORS 192.311 to 192.478 unless the public interest in disclosure clearly outweighs the public interest in confidentiality. However, the following records in the office must remain open to public inspection:

(A) The contract or promissory note establishing a directly held residential or commercial mortgage and information identifying collateral;

(B) Any copy the office retains of the underlying mortgage note in which the office purchases a participation interest; and

(C) Information showing that a directly held loan is in default.

Key Terms, Definitions and References: N/A.

Enumerated Exceptions or Public Interest Balancing Test? Yes. Financial records are exempt unless the public interest in disclosure clearly outweighs the public interest in confidentiality.

Cited in Court Cases, AG Opinions and/or Public Records Orders? No.

**Exemption Statute and Title: [ORS 706.730](#) Depositor and Debtor Information
Confidential**

Summary: Makes confidential the name of a person who is a depositor or debtor of a bank and the amount of the person's deposit or debt.

Relevant Text:

[ORS 706.730\(1\)](#). The name of a person who is a depositor or debtor of a bank and the amount of the person's deposit or debt are confidential as provided in [ORS 705.137](#). The Director of the Department of Consumer and Business Services or any other person employed by the Department of Consumer and Business Services shall not knowingly disclose the name of a person who is a depositor or debtor of a bank, or the amount of the person's deposit or debt, except that the director or the employee may disclose such information as may be required under ORS 706.720(5) or as may be necessary in the performance of the director's or employee's official duty including any duty under ORS 295.018.

Key Terms, Definitions and References:

[ORS 705.137](#) exempts from disclosure certain information in the possession of the Department of Consumer and Business Services, if such information is described in statute as confidential or as not subject to disclosure.

Enumerated Exceptions or Public Interest Balancing Test? No.

Cited in Court Cases, AG Opinions and/or Public Records Orders? No.

**Exemption Statute and Title: [ORS 725A.090](#) Loan Tracking and Counseling System;
Rules; Fees**

Summary: Expressly exempts from disclosure information contained in a loan tracking system used by licensed title and payday loan companies, and managed by the Department of Consumer and Business Services.

Relevant Text: [ORS 725A.090](#)

(1)(a) The Director of the Department of Consumer and Business Services, by contract with a vendor or service provider or otherwise, may develop and implement a system by means of which a licensee may:

- (A) Determine whether a consumer has an outstanding loan;
 - (B) Determine the number of loans the consumer has outstanding;
 - (C) Determine the dates on which the consumer entered into or renewed a loan contract subject to ORS 725A.010 to 725A.092 and 725A.990;
 - (D) Provide loan counseling to consumers in accordance with standards the director specifies; and
 - (E) Obtain other information necessary to comply with the provisions of ORS 725A.010 to 725A.092 and 725A.990.
- (b) The director by rule may specify the form and content of the system, but shall ensure at a minimum that the information entered into or stored by the system is:
- (A) Accessible to and usable by licensees and the director from any location in this state; and
 - (B) Secured against public disclosure, tampering, theft or unauthorized acquisition or use.

(2) The information in the system described in subsection (1) of this section is not subject to public inspection or disclosure and is not subject to discovery, subpoena or other compulsory process except in an action brought under ORS 725A.010 to 725A.092 and 725A.990.

Key Terms & Definitions:

[ORS 725A.010](#) to [725A.092](#) and [725A.990](#) relate to the licensing and regulation of title and payday loan companies.

Enumerated Exceptions or Public Interest Balancing Test? No.

Cited in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 98.352](#) Report of Abandoned Property

Summary: Temporally exempts from disclosure the reports filed with the Department of State Lands relating to private property that is presumed abandoned. Substantially identical to the exemption from disclosure contained in [ORS 192.355\(16\)](#).

Relevant Text: [ORS 98.352](#)

(1) Every person holding funds or other property, tangible or intangible, presumed abandoned under ORS 98.302 to 98.436 and 98.992 shall report and pay or deliver to the Department of State Lands all property presumed abandoned as provided in this section

(4) The report shall be filed after October 1, but no later than November 1 of each year for accounts dormant as of June 30. The department may postpone the reporting date upon written request by any person required to file a report. All records are exempt from public review for 12 months from the time the property is reportable and for 24 months after the property has been remitted to the department. All lists of records or property held by a government or public authority under ORS 98.336 shall be exempt from public review until 24 months after the property is remitted to the department.

Key Terms, Definitions and References: N/A.

Enumerated Exceptions or Public Interest Balancing Test? Yes. The information is only temporally exempt.

Cited in Court Cases, AG Opinions and/or Public Records Orders? No. But see [PRO Mantel \(1/15/2019\)](#) (ordering disclosure of information contained in a report of unclaimed property, but after the expiration of the statutory 24-month exemption period)

Exemption Statute and Title: [ORS 192.355\(16\)](#) Public Records Exempt From Disclosure

Summary: Temporally exempts from disclosure the reports filed with the Department of State Lands under [ORS 98.352](#) relating to private property that is presumed abandoned. Substantially identical to the exemption from disclosure contained in [ORS 98.352](#).

Relevant Text: [ORS 192.355](#). The following public records are exempt from disclosure under ORS 192.311 to 192.478:

(16) Reports of unclaimed property filed by the holders of such property to the extent permitted by [ORS 98.352](#).

Key Terms, Definitions and References: N/A.

Enumerated Exceptions or Public Interest Balancing Test? Yes. The information is only temporally exempt under [ORS 98.352\(4\)](#), which provides that:

All records are exempt from public review for 12 months from the time the property is reportable and for 24 months after the property has been remitted to the department. All lists of records or property held by a government or public authority under ORS 98.336 shall be exempt from public review until 24 months after the property is remitted to the department.

Cited in Court Cases, AG Opinions and/or Public Records Orders? No. But see [PRO Mantel \(1/15/2019\)](#) (ordering disclosure of information contained in a report of unclaimed property, but after the expiration of the statutory 24-month exemption period)

Exemption Statute and Title: [ORS 657.734](#) Performance Reporting Information System

Summary: Makes confidential the individual record information contained in the Employment Department's Performance Reporting Information System. Excludes some System information from the definition of a "public record."

Relevant Text: [ORS 657.734](#).

(2) There is established the Performance Reporting Information System for the purpose of collecting, analyzing and sharing statistical and demographic data for the development and reporting of workforce system performance measures.

(5)(a) All individual record information in the Performance Reporting Information System is confidential and may not be disclosed as a public record under the provisions of ORS 192.311 to 192.478. As administrator of the system, the director may view all data or individual record information in the system. System participants may not allow public access to information received from the system that identifies a particular individual unless required by law. System participants shall limit the disclosure of, or refuse to disclose, aggregate or summary level information when a small number of aggregated records or some other factor creates a reasonable risk that the identity of individuals may be discovered or disclosed.

(6) The information in the Performance Reporting Information System is not a public record for purposes of ORS 192.311 to 192.478. For purposes of ORS 192.311 to 192.478, the information submitted to the system and the information received from the system is a public record, and the custodian of such information is the system participant that submits or receives the information. If the system participant receiving the information is not a public body, the department shall keep a copy of the system information sent to that system participant and shall be the custodian of that copy for purposes of ORS 192.311 to 192.478. As custodian, the department shall limit the disclosure of, or refuse to disclose, aggregate or summary level information when a small number of aggregated records or some other factor creates a reasonable risk that the identity of individuals may be discovered or disclosed. The department shall refer all other requests for disclosure of system information to the public body that is the custodian of the information.

(continued) [ORS 657.734](#) Performance Reporting Information System

Key Terms, Definitions and References:

“System participant” means:

- (A) Mandatory partners under the federal Workforce Innovation and Opportunity Act and other one-stop system partners, which may include public bodies and private organizations; and
- (B) Public bodies and private organizations that have been approved by the Director of the Employment Department, in consultation with the Education and Workforce Policy Advisor, to participate in the Performance Reporting Information System. [ORS 657.734\(1\)\(b\)](#).

Enumerated Exceptions or Public Interest Balancing Test? No.

Cited in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 744.346](#) Examination of Business and Practices of Licensee or Applicant

Summary: In the context of certain examinations conducted by the Department of Consumer and Business Services, makes confidential the names and individual identification data of certain life insurance policyholders.

Relevant Text: [ORS 744.346](#).

(1) The Director of the Department of Consumer and Business Services may examine the business and practices of any licensee or applicant for a license when the director determines an examination to be necessary. The director may order a licensee or applicant to produce any records, books, files or other information reasonably necessary to ascertain whether or not the licensee or applicant is acting or has acted in violation of the law or otherwise contrary to the interests of the public. The expenses incurred in conducting any examination shall be paid by the licensee or applicant.

(4) Names of, and individual identification data for, all policyholders and certificate holders who have entered life settlement contracts with life settlement providers are confidential as provided in [ORS 705.137](#).

Key Terms & Definitions:

The terms “life settlement contract” and “life settlement provider” are defined in [ORS 744.318\(8\)\(a\) and \(10\)](#), respectively. They are too extensive to reproduce here.

[ORS 705.137](#) exempts from disclosure certain information in the possession of the Department of Consumer and Business Services, if such information is described in statute as confidential or as not subject to disclosure.

Enumerated Exceptions or Public Interest Balancing Test? No.

Cited in Court Cases, AG Opinions and/or Public Records Orders? No.