

For the purpose of this document, and under current Oregon law, Personally Identifiable Information (PII) can include a home address, personal telephone numbers, personal email, driver's license, date of birth and social security number. A person's name and employment status with a public employer is not PII.

With respect to exemptions from public disclosure pertaining to personal information, the Oregon Sunshine Committee recommends that the Legislature should:

- Strike a balance that generally protects the personal privacy of Oregonians while still allowing release of PII in the public interest.
- Refrain from expanding any public records laws exemptions or rolling back current access to personal information.
- Guarantee that any change to existing law would speed public interest access to PII.
- Maintain existing standards for protecting PII of individual public employees consistent with ORS 192.363.
- Apply the public interest balancing test to current exemptions for PII that don't currently have the balancing test, and clarify the criteria that the public entity should use in making a determination.

We further recommend:

1. To the extent possible, consolidate and refer all statutes allowing or requiring withholding of PII to ORS chapter 192 so that there is one guiding statute for this type of information.
2. Develop a standard definition of what is included in "Personally Identifiable Information." Clarifying this explicitly in ORS chapter 192 would be helpful.
3. Consider providing criteria for the public entity to consider when deciding whether disclosing a record is "in the public interest." Define the circumstances when PII shall be disclosed; shall not be disclosed (absent a court order); and may be withheld (i.e., absent a clear and convincing showing of the public interest in disclosure).
4. If the balancing test is applied to a request for PII and the request is denied, require the public body or agency to document its reasons in writing. We recommend clarifying 192.329 to this effect.
5. Establish periodic review of the requests and denials for records to help determine whether further adjustments to the law are needed.
6. Provide a template request for records that substantially conforms to ORS 192.363.

The foregoing recommendations relate to the statutory exemptions listed below, to the extent that those exemptions cover personal information such as social security numbers, addresses and other contact information, and dates of birth. Some of the exemptions also cover other types of information; this is not a recommendation with respect to other aspects of those exemptions.

List of Exemptions

ORS 107.840
ORS 192.345(25)
ORS 192.345(28)
ORS 192.345(29)
ORS 192.355(3)
ORS 192.355(12)
ORS 192.355(23)
ORS 192.355(28)
ORS 192.355(29)
ORS 192.355(40)
ORS 192.365
ORS 350.278
ORS 350.280
ORS 403.135(2)
ORS 403.135(5)
ORS 432.360
ORS 646.574(3)
ORS 676.405(2)
ORS 802.177
ORS 802.181
ORS 802.195