



Sept. 22, 2021

Dear Oregon Sunshine Committee members,

The Society of Professional Journalists, Greater Oregon chapter is pleased to see the Committee resume its important work. The Committee was the product of House Bill 2101 in 2017, part of a “three-legged stool” of crucial transparency reforms that garnered broad bipartisan support.

In addition to reviewing and reducing the number of Oregon Public Records Law exemptions, the Sunshine Committee was designed to help address a past dynamic in which significant changes promoting secrecy could occur without full public deliberation or awareness.

House Bill 2101 for the first time:

- Required the Legislature to prepare an Open Government Impact Statement (OGIS) for every bill that would affect the public’s ability to know what its government is doing.
- Directed the Legislative Counsel’s office to hire a public records attorney, who has since made significant improvements to the Legislature’s compliance with records law.
- Set up the Oregon Sunshine Committee under the Oregon Attorney General, tasked with reviewing exemptions and advising the Legislature on legislation.

HB 2101 also empowered the Committee to highlight “any inefficiencies and inconsistencies in the application of public records laws that impede transparency,” and make recommendations “to enhance transparency and facilitate rapid fulfillment of public records requests.”

Since its adoption, the Sunshine Committee has begun tackling thorny areas of the law. And it has begun to ensure public discussion of potentially significant bills. That said, it has the opportunity to do more to further the public good. SPJ encourages the Sunshine Committee to:

- Continue reviewing exemptions with an eye toward elimination and consolidation, as well as reorganizing them to improve navigability for the public.
- For each exemption, consider whether a public-interest test should be inserted.
- Improve the Committee’s capacity to advise the Legislature on law changes in real time, if appropriate, as advocated by HB 2101’s chief sponsor.
- Explore whether to weigh in on legislative standards for creating exemptions. Currently, each OGIS notes that “Legislative Counsel has not adopted standards for drafting measures that establish exemptions from disclosure of public records.”
- Fulfill HB 2101 by ensuring the public is alerted when open government statements are revised mid-session. Currently even major OGIS changes are not flagged by OLIS.

Thank you for your efforts on behalf of the public.

Nick Budnick, Co-Chair, Freedom of Information Committee, Greater Oregon SPJ