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Exemption Statute and Title: [ORS 181A.830](#) Disclosure of Information About Certain Public Safety Employees

Summary: Prohibits the disclosure of a photograph of a public safety employee without consent. Prohibits the disclosure of information about an investigation of a public safety employee if the investigation does not result in discipline. *See also* ORS 192.345(12) (conditionally exempting public employee disciplinary actions and supporting information).

Relevant Text: [ORS 181A.830](#)

(2) A public body may not disclose a photograph of a public safety employee of the public body without the written consent of the employee. This subsection does not apply to the use by the public body of a photograph of a public safety employee.

(3) A public body may not disclose information about a personnel investigation of a public safety employee of the public body if the investigation does not result in discipline of the employee.

(4) Subsection (3) of this section does not apply:

(a) When the public interest requires disclosure of the information.

(b) When the employee consents to disclosure in writing.

(c) When disclosure is necessary for an investigation by the public body, the Department of Public Safety Standards and Training or a citizen review body designated by the public body.

(d) When the public body determines that nondisclosure of the information would adversely affect the confidence of the public in the public body.

(5) If an investigation of a public safety employee of a public body results from a complaint, the public body may disclose to the complainant the disposition of the complaint and, to the extent the public body considers necessary to explain the action of the public body on the complaint, a written summary of information obtained in the investigation.

Definitions

“Public safety employee” means a certified reserve officer, corrections officer, parole and probation officer, police officer or youth correction officer as those terms are defined in [ORS 181A.355](#). ORS 181A.830(1)(b).

Enumerated Exceptions or Public Interest Balancing Test? Yes.

Applied in Court Cases, AG Opinions and/or Public Records Orders?

[ACLU of Or. v. City of Eugene](#), 360 Or. 269 (2016) (public interest required disclosure of an internal affairs investigation relating to police use of force)

ORS 181A.830 Disclosure of Information About Certain Public Safety Employees (Cont.)

[PRO Upham](#) (5/5/20); [PRO Upham](#) (9/23/19); [PRO Siclovan](#) (5/25/10); and [PRO Bowman](#) (5/25/05) (OSP was permitted to withhold personnel investigations that did not result in discipline; none of the exceptions applied to the petitioners' requests)

[PRO Zaitz](#) (7/15/14) (where an officer was convicted of official misconduct, the public interest required disclosure of prior investigations against the officer that did not result in discipline)

Exemption Statute and Title: [ORS 192.345\(35\)](#) Public Records Conditionally Exempt from Disclosure

Summary: Conditionally and temporarily exempts from disclosure records relating to DPSST investigations into (a) a person's qualifications for employment, training or certification as a public safety officer or to provide private security services; and (b) investigations into alleged violations of DPSST certification requirements.

Relevant Text: [ORS 192.345\(35\)](#)

(35) Records of the Department of Public Safety Standards and Training relating to investigations conducted under [ORS 181A.640](#) or [181A.870\(6\)](#), until the department issues the report described in [ORS 181A.640](#) or [181A.870](#).

Enumerated Exceptions or Public Interest Balancing Test? Yes – not exempt if public interest requires disclosure in the particular instance.

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

Exemption Statute and Title: [ORS 192.385](#) Nondisclosure of Certain Public Safety Officer Investigation Records

Summary: Prohibits the disclosure of audio or video records of internal investigation interviews of public safety officers.

Relevant Text: [ORS 192.385](#)

(2) A public body may not disclose audio or video records of internal investigation interviews of public safety officers.

Enumerated Exceptions or Public Interest Balancing Test? Several enumerated exceptions that permit disclosure for official purposes, but not that permit disclosure to the general public.

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

Exemption Statute and Title: [ORS 703.473](#) Confidentiality of Investigator Personal Identifying Information and Client Files

Summary: Absent consent, makes an investigator’s PII and contact information confidential. Make investigator client files obtained by DPSST confidential. Makes information obtained by DPSST as part of an investigation of a licensee or applicant confidential unless the case is dismissed or DPSST issues a proposed order.

Relevant Text: [ORS 703.473](#)

(1)An investigator’s home address, home telephone number, personal electronic mail address, Social Security number, photograph and other personal identifying information are confidential and not subject to disclosure under [ORS 192.311](#) to [192.478](#) unless written consent to disclose is given by the investigator.

(2)Except as provided by rules established by the Board on Public Safety Standards and Training, investigator client files obtained by the Department of Public Safety Standards and Training are confidential and not subject to disclosure under [ORS 192.311](#) to [192.478](#).

(3)Information obtained by the department as part of an investigation of a licensee or applicant, including complaints concerning the licensee or applicant, is confidential and not subject to disclosure under [ORS 192.311](#) to [192.478](#) until the department dismisses the case or issues a proposed order.

Enumerated Exceptions or Public Interest Balancing Test? No.

Applied in Court Cases, AG Opinions and/or Public Records Orders?

[PRO Contreras](#) (1/14/21) (DPSST’s records in an open investigation against a licensee were exempt)

Exemption Statute and Title: [ORS 703.480](#) Board and Department Duties

Summary: Notwithstanding ORS 703.473(3), makes information obtained by DPSST as part of an investigation of a licensee confidential if the department determines the allegation is false.

Relevant Text: [ORS 703.480](#)

(2) The department shall:

(a) Investigate alleged violations of [ORS 703.401](#) to [703.490](#) and of any rules adopted by the board or department. Notwithstanding [ORS 703.473\(3\)](#), when the department conducts an investigation under this paragraph, all information about the alleged violation and the investigation is confidential and is not subject to disclosure under [ORS 192.311](#) to [192.478](#) if the department determines that the allegation is false.

Enumerated Exceptions or Public Interest Balancing Test? No.

Applied in Court Cases, AG Opinions and/or Public Records Orders?

[PRO Birk](#) (4/8/21) (ordering disclosure of complaints that DPSST concluded were “unfounded” because “unfounded” and “false” are not interchangeable for purposes of the exemption)

[PRO Kemp](#) (7/1/16) (DPSST permitted to withhold investigatory records where allegation was determined to be false)

[PRO Carroll](#) (1/8/13) (exemption cannot be construed to mean that records pertaining to an ongoing investigation are subject to disclosure during the pendency of the investigation)

Exemption Statute and Title: [ORS 192.355\(22\)](#) Public Records Exempt From Disclosure

Summary: Expressly exempts from disclosure OHSU records regarding candidates for the position of president of OHSU.

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

(22) Records of Oregon Health and Science University regarding candidates for the position of president of the university.

Enumerated Exceptions or Public Interest Balancing Test? No.

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

Exemption Statute and Title: [ORS 339.378](#) Disclosure of Information and Records by Education Provider

Summary: Requires education providers that had an employment relationship with an applicant for an education position to report information about substantiated reports of abuse or sexual conduct. Makes information received by the requester confidential.

Relevant Text: [ORS 339.378](#)

(1) (a) Not later than 20 days after receiving a request under [ORS 339.374\(1\)\(b\)](#), an education provider that has or has had an employment relationship with the applicant shall disclose the information requested.

(b) An education provider may disclose the information on a standardized form and is not required to provide any additional information related to a substantiated report of abuse or sexual conduct other than the information that is required by [ORS 339.374\(1\)\(b\)](#).

(c) Information received under this section is confidential and is not a public record as defined in [ORS 192.311](#). An education provider may use the information only for the purpose of evaluating an applicant's eligibility to be hired.

Enumerated Exceptions or Public Interest Balancing Test? No.

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

Exemption Statute and Title: [ORS 339.388](#) Reports of Abuse or Sexual Conduct

Summary: Exempts from disclosure substantiated reports of abuse or sexual conduct by a school employee and related employment actions.

Relevant Text: [ORS 339.388](#)

(8) If, following an investigation [into alleged abuse or sexual conduct], an education provider determines that the education provider will take an employment action, the education provider shall:

(a) Inform the school employee of the employment action that will be taken by the education provider.

(b) Provide the school employee with information about the appropriate appeal process for the employment action taken by the education provider. The appeal process may be the process provided by a collective bargaining agreement or a process administered by a neutral third party and paid for by the education provider.

(c) Following notice of a school employee's decision not to appeal the employment action of an education provider or following the determination of an appeal that sustained the employment action taken by the education provider, create a record of the findings of the substantiated report and the employment action taken by the education provider and place the record in any documents maintained by the education provider on the school employee. Records created pursuant to this paragraph are confidential and are not public records as defined in [ORS 192.311](#). An education provider may use the record as a basis for providing the information required to be disclosed about a school employee under [ORS 339.378\(1\)](#).

(d) Inform the school employee that information about substantiated reports may be disclosed to a potential employer as provided by [ORS 339.378\(1\)](#).

Enumerated Exceptions or Public Interest Balancing Test? No.

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

Exemption Statute and Title: [ORS 341.290](#) General Powers

Summary: Exempts from disclosure community college faculty records, including evaluations and disciplinary actions unless the subject of the records consents.

Relevant Text:

The board of education of a community college district shall be responsible for the general supervision and control of any and all community colleges operated by the district. Consistent with any applicable rules of the Higher Education Coordinating Commission, the board of education of a community college district may:

(17) Prescribe rules for the use and access to public records of the district that are consistent with [ORS 192.314](#), and education records of students under applicable state and federal law and rules of the commission. Whenever a student has attained 18 years of age or is attending an institution of post-secondary education, the permission or consent required of and the rights accorded to a parent of the student regarding education records shall thereafter be required of and accorded to only the student. However, faculty records relating to matters such as conduct, personal and academic evaluations, disciplinary actions, if any, and other personal matters shall not be made available to public inspection for any purpose except with the consent of the person who is the subject of the record or upon order of a court of competent jurisdiction.

Enumerated Exceptions or Public Interest Balancing Test? Disclosure is permitted with the consent of the subject of the records.

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

Exemption Statute and Title: [ORS 342.176](#) Complaint Process

Summary: Makes confidential the records and reports relating to investigations of complaints made to TSPC regarding a licensee when the investigation does not result in a determination to take adverse action against the licensee. Child abuse records provided to TSPC by DHS in connection with such investigations are to remain confidential regardless of TSPC's determination.

Relevant Text: [ORS 342.176](#)

(1)(a) A person may file a complaint with the Teacher Standards and Practices Commission regarding a person licensed by the commission. If a complaint concerns an allegation of sexual conduct that may have been committed by a licensed school employee, contractor, agent or volunteer, the complaint process provided by this section does not apply and the commission shall investigate the complaint as provided by [ORS 339.390](#).

(4)(a) Except as provided in paragraph (b) of this subsection, the documents and materials used in the investigation undertaken as provided by this section and the report related to the investigation are confidential and not subject to public inspection unless the commission makes a final determination to:

- (A) Refuse to issue a license or registration, as provided under [ORS 342.143](#);
- (B) Suspend or revoke a license or registration, discipline a person holding a license or registration, or suspend or revoke the right to apply for a license or registration, as provided under [ORS 342.175](#); or
- (C) Discipline a person for failure to provide appropriate notice prior to resignation, as provided under [ORS 342.553](#).

(b) Records made available to the commission under [ORS 419B.035\(1\)\(h\)](#) shall be kept confidential.

Enumerated Exceptions or Public Interest Balancing Test? Records are not confidential under this provision if TSPC makes a determination to take adverse action against a licensee.

Applied in Court Cases, AG Opinions and/or Public Records Orders?

[PRO Upham](#) (4/28/20) and [PRO Upham](#) (2/12/20) (where investigation is ongoing, TSPC investigatory records are confidential until TSPC makes its final determination whether to take action against the licensee)

[PRO Meadowbrook](#) (4/5/02) (allegations of a licensee's earlier misconduct included in investigator's report, but that were not separately investigated, were not confidential under this provision because the investigator considered them of sufficient importance to include them in a report that resulted in a licensee's discipline)

ORS 342.176 Complaint Process (Cont.)

PRO Kaplan (9/24/01) and PRO Benson (4/19/93) (under a previous version of the statute, records relating to a complaint that did not result in a determination that the licensee violated standards were confidential and exempt from disclosure)

Exemption Statute and Title: [ORS 342.177](#) Hearing and Decision on Charges

Summary: Makes TSPC hearings to consider charges against a licensee private unless the licensee requests a public hearing.

Relevant Text: [ORS 342.177](#)

(1) (a) Hearings under [ORS 339.390](#) and [342.176](#) shall be conducted by an administrative law judge assigned from the Office of Administrative Hearings established under [ORS 183.605](#).

(b) Any hearing conducted under this section shall be private unless the person against whom the charge is made requests a public hearing. Students attending school in the employing district may not attend any hearing except as witnesses duly subpoenaed to testify with respect to the charges made. Students attending a public charter school that employs the person may not attend any hearing except as witnesses duly subpoenaed to testify with respect to the charges made. The person charged shall have the right to be represented by counsel and to present evidence and argument. The evidence must be confined to the charges.

Enumerated Exceptions or Public Interest Balancing Test? No.

Applied in Court Cases, AG Opinions and/or Public Records Orders?

[PRO Mannenbach](#) (11/22/05) (recording of a private hearing were exempt from disclosure; legislature intended for the record of “private” hearings to be confidential)

Exemption Statute and Title: [ORS 342.183](#) Letters of Informal Reproval

Summary: Makes confidential letters of informal reproval issued by TSPC to licensees.

Relevant Text: [ORS 342.183](#)

(1) The Teacher Standards and Practices Commission may issue a letter of informal reproval to a person licensed, registered or certified by the commission if:

(a) Following the completion of an investigation, the commission determines that the person has engaged in conduct that affects the person's ability to be professionally effective, based on standards adopted by the commission by rule; and

(b) Subject to subsection (5) of this section, the commission agrees not to pursue disciplinary action against the person under ORS 342.175 and the person agrees to the terms of the letter of informal reproval, including a monitoring period.

(4) A letter of informal reproval issued as provided by subsection (1) of this section:

(a) Is confidential; and

(b) Except when a disciplinary action is taken as provided in subsection (5) of this section, may not be posted on an interstate clearinghouse related to educator license sanctions.

Enumerated Exceptions or Public Interest Balancing Test? No.

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

Exemption Statute and Title: [ORS 342.850](#) Teacher Evaluation; Personnel File Content

Summary: Restricts public access to teacher personnel files pursuant to rules adopted by school boards.

Relevant Text: [ORS 342.850](#)

(1) The district superintendent of every school district, including superintendents of education service districts, shall cause to have made at least annually but with multiple observations an evaluation of performance for each probationary teacher employed by the district. The purpose of the evaluation is to aid the teacher in making continuing professional growth and to determine the teacher's performance of the teaching responsibilities. Evaluations shall be based upon at least two observations and other relevant information developed by the district.

(4) The evaluation reports shall be maintained in the personnel files of the district.

(8) The personnel file shall be open for inspection by the teacher, the teacher's designees and the district school board and its designees. District school boards shall adopt rules governing access to personnel files, including rules specifying whom school officials may designate to inspect personnel files.

Enumerated Exceptions or Public Interest Balancing Test? Depends on the rules adopted by individual school districts.

Applied in Court Cases, AG Opinions and/or Public Records Orders?

[Oregonian Publ'g Co. v. Portland Sch. Dist. No. 1J](#), 329 Or 393 (1999) (report of investigation was not made exempt under this provision by simply placing it in an employee's personnel file; exemption for personnel records is based on the records' contents and not their location)

[Springfield Sch. Dist. No. 19 v. Guard Publ'g Co.](#), 156 Or App 176 (1998) (school district waived the ability to assert that records contained in a teacher's personnel file were exempt where it had already disclosed equivalent information to the public)

[PRO Meadowbrook](#) (4/5/02) (teacher personnel file in the custody of TSPC was not exempt under rules adopted by the school district; however, the transferred records exemption applied to some, but not all, records maintained in the file that had been transferred to TSPC)

Exemption Statute and Title: [ORS 352.226](#) Personnel Records

Summary: Restricts access to the personnel records of university employees pursuant to standards adopted by its governing board. Makes confidential certain preemployment letters of reference included in personnel records.

Relevant Text: [ORS 352.226](#)

(1) A governing board as defined in [ORS 352.029](#) may, for the public university under its control, adopt standards and specific orders by or through the president of each public university governing access to personnel records of the public university or office, department or activity that are less than 25 years old.

(2) Standards adopted under subsection (1) of this section shall require that personnel records be subjected to restrictions on access unless upon a finding by the president of the public university that the public interest in maintaining individual rights to privacy in an adequate educational environment would not suffer by disclosure of such records. Access to such records may be limited to designated classes of information or persons, or to stated times and conditions, or to both, but cannot be limited for records more than 25 years old.

(7) Letters and other information submitted in confidence to the State Board of Higher Education or its public universities, offices, departments or activities prior to July 1, 1975, shall be maintained in the files designated by the governing board of the public university currently employing the faculty member. However, if a faculty member requests access to those files, the anonymity of the contributor of letters and other information obtained prior to July 1, 1975, shall be protected. The full text shall be made available except that portions of the text that would serve to identify the contributor shall be excised by a faculty committee. Only the names of the contributors and the excised portions of the documents may be kept in a file other than the three prescribed by subsection (4) of this section.

(8)(a) Confidential letters and other information submitted to or solicited after July 1, 1975, by the State Board of Higher Education or its public universities, offices, departments or activities prior to the employment of a prospective faculty member are exempt from the provisions of this section. However, if the member is currently employed by a public university or its offices, departments or activities, the confidential preemployment materials shall be placed in the three authorized files. If a faculty member requests access to the member's files, the anonymity of the contributor of confidential preemployment letters and other preemployment information shall be protected. The full text shall be made available, except that portions of the text that would serve to identify the contributor shall be excised and retained in a file other than the three designated in subsection (4) of this section.

(b) Confidential letters and other information submitted to or solicited by a public university listed in [ORS 352.002](#) after the date that the university obtained a governing board, and prior to the employment of a prospective faculty member are exempt from the

provisions of this section. However, if the member is employed by the university, the confidential preemployment materials shall be placed in the three authorized files. If a faculty member requests access to the member's files, the anonymity of the contributor of confidential preemployment letters and other preemployment information shall be protected. The full text shall be made available, except that portions of the text that would serve to identify the contributor shall be excised and retained in a file other than the three designated in subsection (4) of this section.

Enumerated Exceptions or Public Interest Balancing Test? Standards adopted by universities must include restrictions on access to personnel files unless upon a finding by the university president that the public interest in maintaining individual rights to privacy in an adequate educational environment would not suffer by disclosure of such records.

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

Exemption Statute and Title: [ORS 9.080](#) Duties and Authority of Bar and of Board of Governors

Summary: Exempts from disclosure records of a claim against the Oregon State Bar's Professional Liability Fund.

Relevant Text: [ORS 9.080](#)

(2) (a)(A) The board has the authority to require all active members of the state bar engaged in the private practice of law whose principal offices are in Oregon to carry professional liability insurance and is empowered, either by itself or in conjunction with other bar organizations, to do whatever is necessary and convenient to implement this provision, including the authority to own, organize and sponsor any insurance organization authorized under the laws of the State of Oregon and to establish a lawyer's professional liability fund. This fund shall pay, on behalf of active members of the state bar engaged in the private practice of law whose principal offices are in Oregon, all sums as may be provided under such plan which any such member shall become legally obligated to pay as money damages because of any claim made against such member as a result of any act or omission of such member in rendering or failing to render professional services for others in the member's capacity as an attorney or caused by any other person for whose acts or omissions the member is legally responsible.

(E) Records of a claim against the professional liability fund are exempt from disclosure under [ORS 192.311](#) to [192.478](#).

Enumerated Exceptions or Public Interest Balancing Test? No.

Applied in Court Cases, AG Opinions and/or Public Records Orders?

[PRO DeMartino](#) (12/28/2020) (billing statements reflecting the costs to defend attorneys in a malpractice suit were exempt as records of a claim against the Professional Liability Fund)

Exemption Statute and Title: [ORS 192.345\(12\)](#) Public Records Conditionally Exempt From Disclosure

Summary: Conditionally exempts from disclosure the records of a public body pertaining to a personnel disciplinary action, including materials supporting that action.

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:

(12) A personnel discipline action, or materials or documents supporting that action.

Enumerated Exceptions or Public Interest Balancing Test? Yes – not exempt if the public interest requires disclosure in the particular instance.

Applied in Court Cases, AG Opinions and/or Public Records Orders? Yes – many.

[City of Portland v. Anderson](#), 163 Or App 550 (1999) (public interest required disclosure of investigation into a high-ranking police officer's off-duty conduct because the officer's integrity and ability to enforce the law evenhandedly were implicated; only records relating to allegations for which discipline was imposed were conditionally exempt)

[City of Portland v. Rice](#), 308 Or 118 (1989) (the typical interest in confidentiality is to protect public employees from ridicule for having been disciplined but does not shield the government from public efforts to obtain knowledge about its process; the exemption only applies if a sanction is imposed, it does not apply to personnel investigations or disciplinary processes that do not result in any disciplinary action)

[PRO Borrud](#) (12/10/21) (public interest did not require disclosure of a complaint relevant to an ongoing personnel investigation; public interests in ensuring a thorough investigation, avoiding retaliation against complainants, encouraging reporting, and protecting the subjects of the investigation from unwarranted embarrassment favored nondisclosure)

[PRO Horowitz](#) (12/11/20) (public interest required OSP to disclose disciplinary action against a trooper for a two-year-old incident that was recorded and available online to the public; despite the passage of time, the trooper's relatively low rank, and the relatively minor nature of the incident, the available record demonstrated ongoing public interest in the incident and the trooper's privacy interest had been greatly diminished)

[PRO Brosseau](#) (8/25/17); [PRO Brosseau](#) (6/22/17); [PRO Woolington](#) (5/19/17); [PRO Brosseau](#) (4/28/17); [PRO Brosseau](#) (9/14/16) (public interest required DPSST to disclose various police officer certification review files where each officer's expectation of privacy was substantially diminished because the disciplinary action and underlying circumstances were generally publicly available – particularly in cases involving criminal charges against officers)

[PRO Comstock](#) (10/21/16) (public interest did not require the disclosure of a reprimand of a corrections officer where neither the officer's identity nor the specifics of the officer's conduct had been publicly released)

[PRO Cole](#) (10/5/12) and [PRO Cole](#) (8/21/12) (Department of Revenue was permitted to redact the names of undisciplined employees and employee hiring dates from certain personnel investigative records where disclosure would reveal the otherwise exempt identities of employees who were disciplined)

[PRO Deutsch](#) (5/9/11) (while a personnel investigation is ongoing, it is appropriate for a public body to decline to disclose related records until the investigation is complete unless the public interest requires disclosure at the time a request is made)

[PRO Mills](#) (11/3/10) (personnel disciplinary information contained in a tort claim notice filed by the disciplined employee was not exempt under ORS 192.345(12))

[PRO Cockle](#) (1/26/10) (although the fact of discipline and the identity of the disciplined employee were publicly disclosed, the public interest did not require the disclosure of the disciplinary action itself where the conduct that led to the discipline was not publicly known)

[PRO Aho](#) (7/30/07) (petition denied where disclosure would not meaningfully inform the public interests identified by the requester)

[PRO Maybee](#) (11/19/01) (petition denied where disclosure was sought for private purposes and not to further any identifiable public interest)

[PRO Simpson](#) (11/9/00) (report prepared by agency in carrying out regulatory responsibilities unrelated to investigating employee misconduct was not exempt even though it later became part of an employee disciplinary action)

[PRO Scheminske](#) (6/26/98) (exemption for employee disciplinary actions does not apply where the employee resigned before discipline could be imposed)

[PRO Fenrich](#) (10/17/97) (exemption does not apply to a personnel investigation where no discipline was imposed)

[PRO Foster](#) (10/11/96) (notwithstanding the heightened public interest in monitoring the manner in which law enforcement officers exercise their authority, the public interest in an officer's disciplinary action did not require disclosure where the discipline did not involve the exercise of law enforcement functions)

Exemption Statute and Title: [ORS 194.300](#) Journal

Summary: Unconditionally exempts from disclosure the journals of notaries who are not public employees and conditionally exempts from disclosure the journals of notaries who are public officials.

Relevant Text: [ORS 194.300](#)

(9) A journal in the possession of a notary public who is not a public official or public employee is exempt from disclosure under ORS 192.311 to 192.478. A journal in the possession of the Secretary of State, or in the possession of a notary public who is a public official or public employee, is not exempt from disclosure under ORS 192.311 to 192.478 unless the secretary or other custodian determines that the public interest in disclosure is outweighed by the interests of the parties to a notarial act in keeping the journal record of the notarial act confidential.

Enumerated Exceptions or Public Interest Balancing Test? Yes – journals of notaries who are public officials are not exempt if the public interest in disclosure outweighs the interests of the parties in confidentiality.

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

Exemption Statute and Title: [ORS 571.057](#) License Application

Summary: Excludes from the definition of a public record an application to be licensed as a nursery stock grower or dealer.

Relevant Text: [ORS 571.057](#)

(1) Each person required to be licensed by ORS 571.055 shall apply for a license, or for renewal of a license, on a form furnished by the State Department of Agriculture ***.

(2) Each application for a license must be accompanied by a license fee as provided for by this section and any amounts required by ORS 571.075(3). An application is not a public record but is subject to audit and review by the department.

Enumerated Exceptions or Public Interest Balancing Test? No.

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

Exemption Statute and Title: [ORS 671.338](#) Confidentiality of Application, Examination and Investigatory Information

Summary: Makes confidential the application materials, examination materials, and investigatory information developed as part of an application to be a landscape architect.

Relevant Text: [ORS 671.338](#)

(1) Notwithstanding [ORS 192.314](#):

(a) In addition to any exemption from disclosure provided under [ORS 192.345\(4\)](#), State Landscape Architect Board examination materials, file records of examination grading and performance, transcripts from educational institutions, letters of inquiry, letters of reference and board inquiry forms concerning applicants or registrants are confidential and may not be disclosed except as provided in paragraph (b) of this subsection or subsection (2) of this section.

(b) Investigatory information developed or obtained by the board is confidential and not subject to disclosure by the board unless a notice is issued for a contested case hearing or the matter investigated is finally resolved by board action or a consent order. The board shall notify the registrant of the investigation. The public may obtain information confirming that an investigation is being conducted and describing the general nature of the matter being investigated.

(2) The board may appoint an advisory committee to conduct an investigation described under subsection (1)(b) of this section on behalf of the board. Investigatory information developed or obtained by an advisory committee is confidential unless a notice is issued for a contested case hearing or the matter investigated is finally resolved by board action or a consent order. The board may discuss in open session matters that are being reviewed by an advisory committee, but may not disclose confidential information into the public record.

(3) Notwithstanding any confidentiality established under subsection (1) or (2) of this section, if the board or an advisory committee meets in executive session to discuss an investigation, the board or committee may permit other public officials and members of the press to attend the executive session. Notwithstanding [ORS 192.610](#) to [192.690](#), the public officials and members of the press attending the executive session may not disclose information discussed by the board or committee during the session until the information ceases to be confidential under subsection (1) or (2) of this section.

Enumerated Exceptions or Public Interest Balancing Test? No.

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

Exemption Statute and Title: [ORS 671.550](#) Authority of Board to Investigate

Summary: Makes confidential any information obtained by the State Landscape Contractors Board during an inspection of a licensee to assess compliance with licensing requirements.

Relevant Text: [ORS 671.550](#)

(1) The State Landscape Contractors Board may inquire into and inspect:

(a) Any services performed or materials furnished by a licensee under [ORS 671.510](#) to [671.760](#).

(b) The financial records of a person who it reasonably believes is operating in violation of [ORS 671.530](#).

(c) The services performed or materials furnished by a person who it reasonably believes is operating in violation of [ORS 671.530](#).

(2) Except when used for legal action or to determine a claim described in [ORS 671.695](#), the information obtained by an inspection authorized by this section is confidential. However, the board shall furnish copies of any inspection to the licensee or other person that is subjected to an inspection.

Enumerated Exceptions or Public Interest Balancing Test? No.

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

Exemption Statute and Title: [ORS 673.170](#) Disciplinary Actions

Summary: Makes confidential any information obtained or developed by the Board of Accountancy during a disciplinary investigation of a licensee until notice is issued for a contested case hearing or the matter is resolved by board action or a consent order.

Relevant Text: [ORS 673.170](#)

(3)(a) The board may investigate any alleged violation that may subject a person to discipline under this section.

(b) Investigatory information developed or obtained by the board is confidential and not subject to disclosure by the board unless a notice is issued for a contested case hearing or the matter investigated is finally resolved by board action or a consent order.

(c) Notwithstanding paragraph (b) of this subsection:

(A) The board may disclose to the public that an investigation is being conducted and describe the general nature of the matter being investigated; and

(B) The board shall notify the person being investigated of the investigation.

Enumerated Exceptions or Public Interest Balancing Test? Yes – no longer confidential if notice is issued for a contested case hearing or the matter investigated is finally resolved by board action or a consent order.

Applied in Court Cases, AG Opinions and/or Public Records Orders?

[PRO Justice](#) (7/21/16) (Board not required to disclose records obtained during an investigation that was still ongoing)

Exemption Statute and Title: [ORS 673.475](#) Authority of Oregon Board of Accountancy to Disclose Investigatory Information Relating to Regulatory or Enforcement Function of Public Entity

Summary: Confidential investigatory information obtained by the Board of Accountancy and provided to another public entity for regulatory or enforcement purposes is to remain confidential.

Relevant Text: [ORS 673.475](#)

(1) Notwithstanding ORS 673.170, upon a determination by the Oregon Board of Accountancy that the board possesses confidential information, or information that is not otherwise subject to disclosure, that is investigatory and that reasonably relates to the regulatory or enforcement function of another public entity, the board may disclose that information to the other public entity.

(2) A public entity that receives information pursuant to subsection (1) of this section shall take all reasonable steps to maintain the confidentiality of the information to the extent necessary to carry out the regulatory or enforcement functions of the public entity.

Enumerated Exceptions or Public Interest Balancing Test? No.

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