

The Oregon Sunshine Committee has previously adopted the following recommendation:

“In general, the legislature should refrain from adding additional exemptions to public records until the Sunshine Committee can formally review current exemptions and provide recommendations on how to improve public records law.”

To that end, the Legislation Review Subcommittee of the Sunshine Committee has reviewed all bills with Open Government Impact Statements currently moving forward in the legislative and identified bills that impact public records exemptions.

SB 4

Relevant text in bill:

Section 2(3): Trade secrets, as defined in ORS 646.461, that are submitted to the department as part of an application under this section shall be exempt from disclosure under ORS 192.311 to 192.478 until January 1, 2027.

Recommendation:

Put trade secret exemption under current 192.345. If the intent of sunset is to make it available for everyone, that’s good and we should keep it. If it’s just to put back into where it should be, we should just do that now.

SB 160

Relevant text in bill:

None. This bill expands access to public records.

Recommendation: Support. Definition of news media should be further clarified.

**SB 215**

Seems like it could implicate our most recent discussion about oversight. Supersedes similar exemption that allowed disclosure if there is clear and convincing evidence it wont create a privacy burden

- Table, there’s an amendment removing section 12. See what happens tomorrow in work session. Come back to it.

SB 234

Relevant text in bill:

Section 1(3)(c) If the rules **described in this subsection** require the submission of data that [state or] federal law does not require [that the courts make] **be made** public, the rules may [also] require courts [to keep the data confidential] **or the Oregon State Bar to maintain the data confidentially** and not release the data except pursuant to a court order issued for good cause shown. Data that is made

confidential under the rules is not subject to disclosure under ORS 192.311 to 192.478. **Rules described in this subsection may permit the release of data in the aggregate in a manner that does not identify any individual person.**

Recommendation:

Amend bill to make clear that demographic data *shall* be released under public records in aggregate format.

SB 417

Flips public interest balancing test so burden is on custodian for media requests -

- Skip for now, Eliot will make recommendations.

HB 2003/HB 3455

Relevant text in bill:

Section 5(6)(b)(B) The name and any identifying information about an individual member of a membership organization may not be disclosed as a public record under ORS 192.311 to 192.478

Recommendation:

Remove new exemption to public records law for membership organizations. If the exemption is adopted, at the very least it should contain a public interest balancing test.

HB 2490

Relevant text in bill:

Section 1 (46) Any document, record or plan for protection relating to the existence, nature, location or function of cybersecurity devices, programs or systems designed to protect computer, information technology or communications systems against threat or attack,

including but not limited to:

(a) Records pertaining to devices, programs or systems that depend for their effectiveness in whole or part upon a lack of public knowledge; and

(b) Contractual records or insurance records that set forth cybersecurity specifications, insurance application and coverage details.

Recommendation: Current law already conditionally exempts security plans (ORS 192.345(23)). This new unconditional exemption for cyber security is not needed.

HB 3073

Relevant text in bill:

Section 2 (b) Address information as required by the Secretary of State by rule. **The address information required by this paragraph is not subject to inspection as a public record under ORS 192.311 to 192.478 and may not be:**

**(A) Disclosed by the secretary or a county clerk; or**

**(B) Included in a list provided under ORS 247.940 or 247.945**

Recommendation: Remove personal information exemption for elected officials.

HB 3552

Relevant text in bill:

Section 1 (2) (c) (c) The elector is an education board member

Recommendation:

Remove personal information exemption for school board members.

HB 2614

Relevant text in bill:

Section 2 (3) Confidential business information submitted to the department by a transportation network company under this section is confidential and not subject to public disclosure under ORS 192.311 to 192.478.

Recommendation:

Remove confidential business information exemption. If applicable they can rely on current trade secret exemptions.