

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:

ORS192.345 already grants a conditional exemption for trade secrets “unless the public interest requires disclosure in the particular instance.” The bill as written removes the public interest standard for access. We recommend using the current statute.

SB 160

Relevant text in bill:

Does not add any exemptions. This bill expands access to public records.

Recommendation:

We recommend the legislature adopt this bill but clarify who qualifies as news media.

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:

The Oregon Sunshine Committee has previously recommended that agencies make available at request aggregate data to the public. While this bill allows disclosure of aggregate data, it does not require it. We

recommend aligning with Sunshine Committee recommendations to require disclosure of aggregate data.

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. We recommend removal.

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) The county clerk shall keep the residence address of an elector exempt from disclosure as a public record under ORS 192.311 to 192.478 if:

(a) The elector making the request demonstrates to the satisfaction of the county clerk that the elector's personal safety or the safety of any family member residing with the elector is in danger if the elector's address remains available for public inspection; [or]

(b) The elector has been identified as an election worker by the Secretary of State, county clerk or other public body as defined in ORS 174.109 in a manner prescribed by the secretary by rule[.];
or

(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. Current trade secret exemptions are already available if applicable.