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Exemption Statute and Title: [ORS 1.303](#) Disability of Judge

Summary: Information received or prepared by the Chief Justice of the Supreme Court during an inquiry to determine whether a judge has a disability is not a public record.

Relevant Text: [ORS 1.303](#)

(2) When the Chief Justice of the Supreme Court receives a complaint as provided in [ORS 1.420](#)(2) or has reliable information that would lead a reasonable person to believe that a judge has a disability, the Chief Justice may:

- (a) Confer with the subject judge in respect to the alleged disability.
- (b) Consult with other judges of the court in which the subject judge serves and other persons who may have knowledge concerning the alleged disability.
- (c) Conduct other inquiry in respect to the alleged disability as the Chief Justice considers appropriate.

(6) Documents filed with or prepared by the Chief Justice under subsections (2), (3) and (5) of this section shall not be public records unless received as competent evidence in the course of a hearing pursuant to [ORS 1.310](#)(4) or [1.420](#).

Key Terms:

“Disability” means a physical or mental condition of a judge, including but not limited to impairment derived in whole or in part from habitual or excessive use of intoxicants, drugs or controlled substances, that significantly interferes with the capacity of the judge to perform judicial duties. A disability may be permanent or temporary. ORS 1.303(1)(c).

Enumerated Exceptions or Public Interest Balancing Test? No.

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

Exemption Statute and Title: [ORS 1.425](#) Commission Proceedings Upon Receipt of Complaint of Disability

Summary: Testimony and evidence presented in a hearing of the Commission on Judicial Fitness to inquire into the alleged temporary disability of a judge is not a public record.

Relevant Text: [ORS 1.425](#)

- (1) Upon complaint from the Chief Justice of the Supreme Court as provided in [ORS 1.303](#), and after such investigation as the Commission on Judicial Fitness and Disability considers necessary, the commission may:
 - (a) Proceed as provided in [ORS 1.420](#); or
 - (b) If the investigation under this subsection indicates that the subject judge may have a temporary disability, hold a hearing pursuant to subsection (2) of this section to inquire into the alleged disability, or request the Supreme Court to appoint three qualified persons to act as masters, to hold a hearing pursuant to subsection (2) of this section and maintain a record on the matter referred to them and to report to the commission on the alleged disability.
- (2) When a hearing is held by the commission or by masters as authorized in subsection (1)(b) of this section, the hearing shall not be open to the public unless the subject judge requests a public hearing. The testimony and evidence given and received in the hearing shall not be public records. The subject judge shall have the right to be present at such hearing, to be represented by counsel, to present testimony and evidence and to cross-examine witnesses.

Key Terms:

“Disability” means a physical or mental condition of a judge, including but not limited to impairment derived in whole or in part from habitual or excessive use of intoxicants, drugs or controlled substances, that significantly interferes with the capacity of the judge to perform judicial duties. A disability may be permanent or temporary. ORS 1.303(1)(c).

Enumerated Exceptions or Public Interest Balancing Test? No.

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

Exemption Statute and Title: [ORS 1.440](#) Status of Records of Proceedings Under ORS 1.420 or 1.425

Summary: Generally provides that documents and testimony given during investigations and proceedings to inquire into the alleged disability of a judge are privileged communications and are not public records unless received as competent evidence in the course of certain hearings of the Commission on Judicial Fitness and Disability.

Relevant Text:

(1) Documents filed with the Commission on Judicial Fitness and Disability and the investigation conducted by the commission prior to a hearing pursuant to [ORS 1.420](#) or [1.425](#) shall not be public records unless received as competent evidence in the course of a hearing pursuant to [ORS 1.420](#). The decision of the commission after hearing or upon review of the record and report of masters under [ORS 1.420](#) shall be a public record, together with the recommendations, if any, of the commission to the Supreme Court. The decision of the commission after hearing or upon review of the record and report of masters under [ORS 1.425](#) shall not be a public record, except for a decision and recommendation to the Supreme Court under [ORS 1.425\(4\)\(b\)](#). A consent to censure, suspension or removal executed by a judge under [ORS 1.420\(1\)\(c\)](#), and a stipulation of facts entered into between the commission and a judge under [ORS 1.420\(1\)\(c\)](#), shall not be a public record until the consent and stipulation are submitted to the Supreme Court.

(2) Documents filed and testimony given in proceedings under [ORS 1.420](#) or [1.425](#) are privileged communications which may not be received in evidence in any judicial proceedings other than those directly connected with the administration of [ORS 1.410](#) to [1.480](#) unless expressly or impliedly waived by the person tendering the document to or testifying in such proceedings or except in a criminal prosecution for perjury or false swearing before the commission.

(3) Members of the commission, masters appointed pursuant to [ORS 1.420](#) or [1.425](#) and staff of the commission shall not disclose or use any investigation, testimony or documents which are not public records as defined in [ORS 1.410](#) to [1.480](#) for any purpose other than in connection with their official duties in the administration of [ORS 1.410](#) to [1.480](#). The commission may, upon the request of a judge who has been the subject of a complaint and proceedings thereon that are not public records, state the disposition of the complaint and proceedings and the reasons for its decision when the commission finds that the complaint or proceedings have been publicized and fairness requires such comment.

Enumerated Exceptions or Public Interest Balancing Test? No.

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

Exemption Statute and Title: [ORS 176.309](#) Disability Evaluation Panel Procedures

Summary: Records of an evaluation panel assembled to examine whether the Governor is unable to discharge the duties of the office by reason of a disability are not subject to disclosure.

Relevant Text: [ORS 176.309](#)

(1) As soon as possible after a disability evaluation panel is convoked, the panel shall meet and examine whether the Governor is unable to discharge the duties of the office by reason of a physical or mental disability. The members of the panel who are physicians, or other physicians appointed by the panel, shall conduct a medical examination of the Governor if possible.

(2) Meetings of the disability evaluation panel are not subject to [ORS 192.610](#) to [192.690](#). Except for the panel's determination, records of the panel are not subject to disclosure under [ORS 192.311](#) to [192.478](#).

Enumerated Exceptions or Public Interest Balancing Test? No.

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

Exemption Statute and Title: [ORS 247.973](#) Status of Signature on Voter Registration Card as Public Record

Summary: Exempts from disclosure any identifying information relating to a disability of an elector in official voter registration records.

Relevant Text:

(5) Identifying information relating to a disability of an elector that is entered into official voter registration records by an elections official is exempt from disclosure under [ORS 192.311](#) to [192.478](#).

Enumerated Exceptions or Public Interest Balancing Test? No.

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

Exemption Statute and Title: [ORS 346.165](#) Use of Official Records

Summary: Prohibits the Commission for the Blind from disclosing or using certain records for purposes other than those directly connected with its programs and make such records confidential. Also see [ORS 346.167](#).

Relevant Text: [ORS 346.165](#)

(1) The Commission for the Blind may not disclose or use the contents of the register of persons who are blind filed and maintained under the provisions of [ORS 346.160](#), or any records, files, papers or communications for purposes other than those directly connected with the programs administered by the commission, and the register of persons who are blind, the records, files, papers and communications are considered confidential.

(2) Notwithstanding subsection (1) of this section, [ORS 346.150](#)(2) and [346.167](#), the minutes and records of official actions of the Commission for the Blind, its payroll, books of account and accounts of expenditures are public writings available for inspection in the manner provided in [ORS 192.311](#) to [192.478](#).

Enumerated Exceptions or Public Interest Balancing Test? Exception for certain business records, as described in subsection (2).

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

Exemption Statute and Title: [ORS 346.167](#) Prohibited Uses of Records

Summary: Prohibits the use or disclosure of lists or names maintained by the Commission for the Blind for any purpose not directly connected with the administration of its programs.

Relevant Text: [ORS 346.167](#)

No person or agency shall solicit, disclose, receive, make use of, or authorize, knowingly permit, participate in or acquiesce in the use of any lists or names for commercial or political purposes of any nature, or for any purpose not directly connected with the administration of programs administered by the Commission for the Blind.

Enumerated Exceptions or Public Interest Balancing Test? No.

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

Exemption Statute and Title: [ORS 427.293](#) Disclosure of Record of Proceeding

Summary: Prohibits courts from disclosing any part of a record in commitment proceedings for persons with intellectual disabilities and requires appellate courts to use initials or an alias in decisions relating to such proceedings.

Relevant Text: [ORS 427.293](#)

(1) In any proceeding conducted under [ORS 427.235](#) to [427.290](#), the court may not disclose any part of the record, including any report submitted to the court under [ORS 427.270](#), to any person except:

(a) The court shall, pursuant to rules adopted by the Department of State Police, transmit the minimum information necessary, as defined in [ORS 181A.290](#), to the Department of State Police for persons described in [ORS 181A.290](#)(1)(c) to enable the department to maintain the information and transmit the information to the federal government as required under federal law;

(b) On request of the person subject to the proceeding;

(c) On request of the person's legal representative or the attorney for the person or the state; or

(d) Pursuant to court order.

(2) In any proceeding described in subsection (1) of this section that is before the Supreme Court or the Court of Appeals, the limitations on disclosure imposed by this section apply to the appellate court record and to the trial court record while it is in the appellate court's custody. The appellate court may disclose information from the trial or appellate court record in a decision, as defined in [ORS 19.450](#), provided that the court uses initials, an alias or some other convention for protecting against public disclosure the identity of the person who is alleged to have an intellectual disability.

Enumerated Exceptions or Public Interest Balancing Test? Several exceptions listed above, but none that would permit disclosure to the general public.

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