

**Index of Public Records Exemptions
Relating to Decedent/Survivor Information**

[ORS 146.100](#) – information provided to medical examiners during death investigations

[ORS 192.345\(36\)](#) – medical examiner’s reports

[ORS 243.960](#) – information submitted to the Public Safety Memorial Fund Board

Exemption Statute and Title: [ORS 146.100](#) Where Death Considered to Have Occurred

Summary: Prohibits the medical examiner from disclosing a decedent's medical records, tissue samples, or any other material required to be provided by various agencies and institutions as part of a death investigation.

Relevant Text: [ORS 146.100](#)

(6) All peace officers, health care providers as defined in [ORS 192.556 \(Definitions for ORS 192.553 to 192.581\)](#), supervisors of penal institutions, supervisors of youth correction facilities, juvenile community supervision officers as defined in [ORS 420.905 \(Definitions for ORS 420.905 to 420.915\)](#), and supervisors of hospitals or institutions caring for the ill or helpless shall cooperate with the medical examiner or medical-legal death investigator by providing a decedent's medical records and tissue samples and any other material necessary to conduct the death investigation of the decedent and shall make notification of deaths as required by subsection (3) of this section. A person who cooperates with the medical examiner or medical-legal death investigator in accordance with this subsection does not:

(a) Waive any claim of privilege applicable to, or the confidentiality of, the materials and records provided.

(b) Waive any claim that the materials and records are subject to an exemption from disclosure under [ORS 192.311 \(Definitions for ORS 192.311 to 192.478\)](#) to [192.478 \(Exemption for Judicial Department\)](#).

(c) Violate the restrictions on disclosing or providing copies of reports and other materials in [ORS 419A.257 \(Reports and materials privileged\)](#).

(7) Records or materials described in subsection (6) of this section may be released by the medical examiner or medical-legal death investigator only pursuant to a valid court order.

Enumerated Exceptions or Public Interest Balancing Test? No.

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

Cited, but not analyzed, in: [PRO Sondag](#) (7/30/2021); [PRO Bial](#) (8/15/2019); and [PRO Ryan](#) (6/11/2019).

Exemption Statute and Title: [ORS 192.345\(36\)](#) Public Records Conditionally Exempt from Disclosure

Summary: Medical examiner's reports are exempt from disclosure unless the public interest requires disclosure in the particular instance.

Relevant Text: [ORS 192.345\(36\)](#)

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:

(36) A medical examiner's report, autopsy report or laboratory test report ordered by a medical examiner under [ORS 146.117](#).

Enumerated Exceptions or Public Interest Balancing Test? Yes – conditioned upon the public interest. [ORS 146.035\(5\)](#) also provides a narrow exception for any parent, spouse, sibling, child or personal representative of the deceased, or any person who may be criminally or civilly liable for the death, or their authorized representatives.

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

[PRO Sondag and Budnick](#) (7/30/21) (granting media petition, in part, for personally identifiable information maintained by the medical examiner regarding individuals who died from hyperthermia during Oregon's June 2021 heat wave where the public interest required disclosure in the particular instance)

[PRO Bial](#) (8/15/19) (denying media petition seek the disclosure of the medical examiner's report in high profile suicide case; deceased's family, who had access to the report, was well-positioned to evaluate whether disclosure would meaningfully advance the public interests identified by the petition and did not want the report disclosed in that instance)

[PRO Ryan](#) (6/11/19) (denying media petition seeking the disclosure of the medical examiner's death investigation records relating to the death of a driver in a single-car accident; public interest did not require disclosure in the particular instance)

[PRO Forrester](#) (4/9/15) (denying media petition seeking disclosure of the autopsy report of someone who died in a car accident; the public interests identified by the petitioner would not be meaningfully advanced by the report's disclosure)

[PRO Brosseau](#) (7/1/15) (denying media petition seeking, in part, an export of all homicide victim data in the medical examiner's database because the database qualified as a medical examiner report; granting the petition, in part, with respect to a subset of the data – although the public interest did not require disclosure of the entire database, it did require disclosure of the subset of data)

[PRO Johnson](#) (12/30/14) (denying petition seeking the disclosure of all autopsy reports and photos of autopsies prepared by a particular doctor; petitioner failed to show how the public interest required disclosure in the particular instance)

[PRO Darling](#) (11/10/14) (denying petition seeking disclosure of various documents and photographs regarding the discovery of skeletal remains; general curiosity about the remains was insufficient to tilt the balance in favor of disclosing information protected under ORS 192.345(36))

[PRO Webb](#) (12/14/12) (granting petition seeking the disclosure of toxicology test results for a driver who caused a fatal crash on a bridge; noting the reduced expectation of privacy in the toxicology of a driver's blood, the public interest required disclosure because of longstanding public concerns about the safety of the bridge and the public's need to know whether substances in the blood may have contributed to the accident)

Exemption Statute and Title: [ORS 243.960](#) Application Information Public Record

Summary: Information submitted to the Public Safety Memorial Fund Board by an applicant is subject to disclosure unless the Board determines the information should be confidential.

Relevant Text: [ORS 243.960](#)

All information submitted to the Public Safety Memorial Fund Board by an applicant is a public record under ORS 192.311 and is open to public inspection unless the board determines that the information should be kept confidential.

Enumerated Exceptions or Public Interest Balancing Test? Information is presumptively open to disclosure unless the Board exercises its discretion to make it confidential.

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