

**Index of Public Records Exemptions
Relating to Whistleblower Information**

[ORS 654.062](#) – names of employees who file OSHA complaints

[ORS 659A.218](#) – names of public employee whistleblowers

[ORS 671.447](#) – names of persons filing complaints with the State Landscape Architect Board

Exemption Statute and Title: [ORS 654.062](#) Notice of Violation to Employer By Worker

Summary: Requires the Director of DCBS to establish procedures to keep confidential, upon request, the name of an employee who files a complaint regarding workplace safety and health.

Relevant Text: [ORS 654.062](#)

(1) Every employee should notify the employer of any violation of law, regulation or standard pertaining to safety and health in the place of employment when the violation comes to the knowledge of the employee.

(2) However, any employee or representative of the employee may complain to the Director of the Department of Consumer and Business Services or any authorized representatives of the director of any violation of law, regulation or standard pertaining to safety and health in the place of employment, whether or not the employee also notifies the employer.

(4) The director shall establish procedures for keeping confidential the identity of any employee who requests protection in writing. When a request has been made, neither a written complaint from an employee, or representative of the employee, nor a memorandum containing the identity of a complainant may be disclosed 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? No.

[PRO Phillips](#) (2/5/98) (denying petition seeking disclosure of the name of a complainant; “when an employee complainant requests confidentiality, OR-OSHA is unambiguously required to maintain that confidence”)

[PRO Long](#) (9/19/97) (the statute’s confidentiality provision only applies to complaints by employees and their representatives, not nonemployee complaints)

Exemption Statute and Title: [ORS 659A.218](#) Disclosure of Employee’s Name Without Consent Prohibited

Summary: Prohibits disclosure, without written consent, of the identity of a public employee who reports violations of law, waste or mismanagement, or the identities of public assistance recipients who are subject to an arrest warrant.

Relevant Text: [ORS 659A.218](#)

- (1) The identity of the employee who discloses any of the following shall not be disclosed by a public employer without the written consent of the employee during any investigation of the information provided by the employee, relating to:
 - (a) Matters described in [ORS 659A.203\(1\)\(b\)](#).
 - (b) Reports required by [ORS 659A.212\(2\)](#).

Key Terms:

[ORS 659A.203\(1\)\(b\)](#) provides:

- (1) Subject to [ORS 659A.206](#), except as provided in [ORS 659A.200](#) to [659A.224](#), it is an unlawful employment practice for any public or nonprofit employer to:
 - (b) Prohibit any employee from disclosing, or take or threaten to take disciplinary action against an employee for the disclosure of any information that the employee reasonably believes is evidence of:
 - (A) A violation of any federal, state or local law, rule or regulation by the public or nonprofit employer;
 - (B) Mismanagement, gross waste of funds or abuse of authority or substantial and specific danger to public health and safety resulting from action of the public or nonprofit employer; or
 - (C) Subject to [ORS 659A.212\(2\)](#), the fact that a person receiving services, benefits or assistance from the state or agency or subdivision, is subject to a felony or misdemeanor warrant for arrest ***

[ORS 659A.212\(2\)](#) provides:

Notwithstanding any other law, when an employee reasonably believes that a person receiving services, benefits or assistance from the state or any agency or political subdivision in the state is subject to a felony or misdemeanor warrant for arrest *** the employee shall promptly and without delay report to the employee’s immediate supervisor or a person designated by the agency by rule to receive such report.

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 671.447](#) Persons Supplying Information to Board or Advisory Committee

Summary: Upon a request for confidentiality, prohibits the State Landscape Architect Board and its advisory committees from disclosing the name of a person who reports information in good faith.

Relevant Text: [ORS 671.447](#)

A person that reports or supplies information in good faith to the State Landscape Architect Board or to an advisory committee assisting the board is immune from an action for civil damages as a result thereof. The board or committee shall not disclose the name of a person requesting confidentiality unless the testimony of the person is required as part of a board disciplinary proceeding.

Enumerated Exceptions or Public Interest Balancing Test? No.

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