

**PROPOSED AMENDMENTS TO
HOUSE BILL 2571**

1 On page 1 of the printed bill, delete line 3 and insert “41.910, 136.295,
2 165.540 and 192.501; and declaring an emergency.”.

3 In line 6, before “storage” insert “use,”.

4 Delete lines 9 and 10 and insert:

5 “(b) The policies and procedures described in paragraph (a) of this sub-
6 section must include:

7 “(A) A requirement that a recording be retained for at least 180 days but
8 no more than 30 months for a recording not related to a court proceeding,
9 or for the same period of time that evidence is retained in the normal course
10 of the court’s business for a recording related to a court proceeding.

11 “(B) A requirement that a camera worn upon a law enforcement officer’s
12 person be set to record continuously, beginning when the officer develops
13 reasonable suspicion or probable cause to believe that a crime or violation
14 has occurred, is occurring or will occur and the law enforcement officer be-
15 gins to make contact with the person suspected of committing the offense.
16 The policies and procedures must also require that the camera may subse-
17 quently cease recording no sooner than the termination of the officer’s par-
18 ticipation in the contact.

19 “(C) A requirement that in any contract with a third party vendor for
20 data storage, recordings from the camera are the property of the law
21 enforcement agency, are not owned by the vendor and cannot be used by the
22 vendor for any purpose inconsistent with the policies and procedures of the

1 law enforcement agency.

2 “(D) A prohibition on the use of facial recognition or other biometric
3 matching technology to analyze recordings obtained through the use of the
4 camera.

5 “(E) A prohibition on the use of any recordings obtained from the camera
6 for any purpose other than a legitimate law enforcement purpose.

7 “(c) Notwithstanding paragraph (b)(B) of this subsection, a law enforce-
8 ment agency may in its policies and procedures provide for exceptions to the
9 recording requirements of paragraph (b)(B) of this subsection, provided that
10 the exceptions are based on reasonable privacy concerns, exigent circum-
11 stances or the safety of law enforcement officers or other persons.”.

12 On page 2, line 36, after “unless” insert a colon and delete the rest of the
13 line and lines 37 and 38 and insert:

14 “(i) The officer has an opportunity to announce at the beginning of the
15 interaction that the conversation is being obtained; and

16 “(ii) The announcement can be accomplished without causing jeopardy to
17 the officer or any other person and without unreasonably impairing a crim-
18 inal investigation; or”.

19 On page 3, delete lines 19 through 45 and delete pages 4 through 10 and
20 insert:

21 **“SECTION 3.** ORS 41.910 is amended to read:

22 “41.910. Evidence of the contents of any wire or oral communication in-
23 tercepted:

24 “(1) In violation of ORS 165.540 shall not be admissible in any court of
25 this state, except as evidence of unlawful interception **or when the evi-**
26 **dence was created by the use of a video camera worn upon a law**
27 **enforcement officer’s person and the officer either substantially com-**
28 **plied with or attempted in good faith to comply with ORS 165.540**
29 **(5)(c)(B).**

30 “(2) Under ORS 165.540 (2)(a) shall not be admissible in any court of this

1 state unless:

2 “(a) The communication was intercepted by a public official in charge of
3 and at a jail, police premises, sheriff’s office, Department of Corrections in-
4 stitution or other penal or correctional institution; and

5 “(b) The participant in the communication, against whom the evidence is
6 being offered, had actual notice that the communication was being monitored
7 or recorded.

8 **“SECTION 4.** ORS 136.295 is amended to read:

9 “136.295. (1) ORS 136.290 does not apply to persons charged with crimes
10 that are not releasable offenses under ORS 135.240 or to persons charged
11 with conspiracy to commit murder, or charged with attempted murder, or to
12 prisoners serving sentences resulting from prior convictions.

13 “(2)(a) If the defendant is extradited from another jurisdiction, the 60-day
14 period shall not commence until the defendant enters the State of Oregon,
15 provided that law enforcement authorities from the other jurisdiction and
16 this state have conducted the extradition with all practicable speed. The or-
17 iginal 60-day period shall not be extended more than an additional 60 days,
18 except where delay has been caused by the defendant in opposing the
19 extradition.

20 “(b) For purposes of this subsection, an extradition is presumed to have
21 been conducted with all practicable speed if it has been conducted within 90
22 days after the date the defendant has been delivered to an agent of this state.

23 “(3) Any reasonable delay resulting from examination or hearing regard-
24 ing the defendant’s mental condition or competency to stand trial, or re-
25 sulting from other motion or appeal by the defendant, shall not be included
26 in the 60-day period.

27 “(4)(a) If a victim or witness to the crime in question is unable to testify
28 within the original 60-day period because of injuries received at the time the
29 alleged crime was committed or upon a showing of good cause, the court may
30 order an extension of custody and postponement of the date of the trial of

1 not more than 60 additional days. The court, for the same reason, may order
2 a second extension of custody and postponement of the date of the trial of
3 not more than 60 days, but in no event shall the defendant be held in custody
4 before trial for more than a total of 180 days. A court may grant an exten-
5 sion based upon good cause as described in paragraph (b)(C), (D) or (E) of
6 this subsection only if requested by the defendant or defense counsel or by
7 the court on its own motion.

8 “(b) As used in this subsection, ‘good cause’ means situations in which:

9 “(A) The court failed to comply with ORS 136.145 and the victim is unable
10 to attend the trial;

11 “(B) The victim or an essential witness for either the state or the defense
12 is unable to testify at the trial because of circumstances beyond the control
13 of the victim or witness;

14 “(C) The attorney for the defendant cannot reasonably be expected to try
15 the case within the 60-day period;

16 “(D) The attorney for the defendant has recently been appointed and
17 cannot be ready to try the case within the 60-day period;

18 “(E) The attorney for the defendant is unable to try the case within the
19 60-day period because of conflicting schedules;

20 “(F) Scientific evidence is necessary and because of the complexity of the
21 procedures it would be unreasonable to have the procedures completed
22 within the 60-day period;

23 “(G) The defendant has filed notice under ORS 161.309 of the defendant’s
24 intention to rely upon a defense of insanity, partial responsibility or dimin-
25 ished capacity;

26 “(H) The defendant has filed any notice of an affirmative defense within
27 the last 20 days of the 60-day period; [or]

28 “(I) A claim under ORS 147.515, or a motion under ORS 147.522, relating
29 to victims’ rights is pending, the court has considered the factors described
30 in ORS 147.525 and the court has determined that the trial date should be

1 rescheduled subject to the time limit provided in ORS 147.525[.]; or

2 **“(J) The defendant has received discovery of digital video evidence**
3 **from a video camera worn upon a law enforcement officer’s person**
4 **and, though discovery has occurred in a reasonably timely manner,**
5 **editing of the digital video evidence is necessary.**

6 “(5) Any period following defendant’s arrest in which the defendant is not
7 actually in custody shall not be included in the 60-day computation.

8 **“SECTION 5.** ORS 192.501, as amended by section 1, chapter 37, Oregon
9 Laws 2014, and section 1, chapter 64, Oregon Laws 2014, is amended to read:

10 “192.501. The following public records are exempt from disclosure under
11 ORS 192.410 to 192.505 unless the public interest requires disclosure in the
12 particular instance:

13 “(1) Records of a public body pertaining to litigation to which the public
14 body is a party if the complaint has been filed, or if the complaint has not
15 been filed, if the public body shows that such litigation is reasonably likely
16 to occur. This exemption does not apply to litigation which has been con-
17 cluded, and nothing in this subsection shall limit any right or opportunity
18 granted by discovery or deposition statutes to a party to litigation or po-
19 tential litigation.

20 “(2) Trade secrets. ‘Trade secrets,’ as used in this section, may include,
21 but are not limited to, any formula, plan, pattern, process, tool, mechanism,
22 compound, procedure, production data, or compilation of information which
23 is not patented, which is known only to certain individuals within an or-
24 ganization and which is used in a business it conducts, having actual or
25 potential commercial value, and which gives its user an opportunity to ob-
26 tain a business advantage over competitors who do not know or use it.

27 “(3) Investigatory information compiled for criminal law purposes. The
28 record of an arrest or the report of a crime shall be disclosed unless and only
29 for so long as there is a clear need to delay disclosure in the course of a
30 specific investigation, including the need to protect the complaining party

1 or the victim. Nothing in this subsection shall limit any right constitu-
2 tionally guaranteed, or granted by statute, to disclosure or discovery in
3 criminal cases. For purposes of this subsection, the record of an arrest or the
4 report of a crime includes, but is not limited to:

5 “(a) The arrested person’s name, age, residence, employment, marital sta-
6 tus and similar biographical information;

7 “(b) The offense with which the arrested person is charged;

8 “(c) The conditions of release pursuant to ORS 135.230 to 135.290;

9 “(d) The identity of and biographical information concerning both com-
10 plaining party and victim;

11 “(e) The identity of the investigating and arresting agency and the length
12 of the investigation;

13 “(f) The circumstances of arrest, including time, place, resistance, pursuit
14 and weapons used; and

15 “(g) Such information as may be necessary to enlist public assistance in
16 apprehending fugitives from justice.

17 “(4) Test questions, scoring keys, and other data used to administer a li-
18 censing examination, employment, academic or other examination or testing
19 procedure before the examination is given and if the examination is to be
20 used again. Records establishing procedures for and instructing persons ad-
21 ministering, grading or evaluating an examination or testing procedure are
22 included in this exemption, to the extent that disclosure would create a risk
23 that the result might be affected.

24 “(5) Information consisting of production records, sale or purchase records
25 or catch records, or similar business records of a private concern or enter-
26 prise, required by law to be submitted to or inspected by a governmental
27 body to allow it to determine fees or assessments payable or to establish
28 production quotas, and the amounts of such fees or assessments payable or
29 paid, to the extent that such information is in a form which would permit
30 identification of the individual concern or enterprise. This exemption does

1 not include records submitted by long term care facilities as defined in ORS
2 442.015 to the state for purposes of reimbursement of expenses or determining
3 fees for patient care. Nothing in this subsection shall limit the use which
4 can be made of such information for regulatory purposes or its admissibility
5 in any enforcement proceeding.

6 “(6) Information relating to the appraisal of real estate prior to its ac-
7 quisition.

8 “(7) The names and signatures of employees who sign authorization cards
9 or petitions for the purpose of requesting representation or decertification
10 elections.

11 “(8) Investigatory information relating to any complaint filed under ORS
12 659A.820 or 659A.825, until such time as the complaint is resolved under ORS
13 659A.835, or a final order is issued under ORS 659A.850.

14 “(9) Investigatory information relating to any complaint or charge filed
15 under ORS 243.676 and 663.180.

16 “(10) Records, reports and other information received or compiled by the
17 Director of the Department of Consumer and Business Services under ORS
18 697.732.

19 “(11) Information concerning the location of archaeological sites or ob-
20 jects as those terms are defined in ORS 358.905, except if the governing body
21 of an Indian tribe requests the information and the need for the information
22 is related to that Indian tribe’s cultural or religious activities. This ex-
23 emption does not include information relating to a site that is all or part
24 of an existing, commonly known and publicized tourist facility or attraction.

25 “(12) A personnel discipline action, or materials or documents supporting
26 that action.

27 “(13) Information developed pursuant to ORS 496.004, 496.172 and 498.026
28 or ORS 496.192 and 564.100, regarding the habitat, location or population of
29 any threatened species or endangered species.

30 “(14) Writings prepared by or under the direction of faculty of public ed-

1 ucational institutions, in connection with research, until publicly released,
2 copyrighted or patented.

3 “(15) Computer programs developed or purchased by or for any public
4 body for its own use. As used in this subsection, ‘computer program’ means
5 a series of instructions or statements which permit the functioning of a
6 computer system in a manner designed to provide storage, retrieval and ma-
7 nipulation of data from such computer system, and any associated documen-
8 tation and source material that explain how to operate the computer
9 program. ‘Computer program’ does not include:

10 “(a) The original data, including but not limited to numbers, text, voice,
11 graphics and images;

12 “(b) Analyses, compilations and other manipulated forms of the original
13 data produced by use of the program; or

14 “(c) The mathematical and statistical formulas which would be used if the
15 manipulated forms of the original data were to be produced manually.

16 “(16) Data and information provided by participants to mediation under
17 ORS 36.256.

18 “(17) Investigatory information relating to any complaint or charge filed
19 under ORS chapter 654, until a final administrative determination is made
20 or, if a citation is issued, until an employer receives notice of any citation.

21 “(18) Specific operational plans in connection with an anticipated threat
22 to individual or public safety for deployment and use of personnel and
23 equipment, prepared or used by a public body, if public disclosure of the
24 plans would endanger an individual’s life or physical safety or jeopardize a
25 law enforcement activity.

26 “(19)(a) Audits or audit reports required of a telecommunications carrier.
27 As used in this paragraph, ‘audit or audit report’ means any external or
28 internal audit or audit report pertaining to a telecommunications carrier, as
29 defined in ORS 133.721, or pertaining to a corporation having an affiliated
30 interest, as defined in ORS 759.390, with a telecommunications carrier that

1 is intended to make the operations of the entity more efficient, accurate or
2 compliant with applicable rules, procedures or standards, that may include
3 self-criticism and that has been filed by the telecommunications carrier or
4 affiliate under compulsion of state law. ‘Audit or audit report’ does not mean
5 an audit of a cost study that would be discoverable in a contested case pro-
6 ceeding and that is not subject to a protective order; and

7 “(b) Financial statements. As used in this paragraph, ‘financial
8 statement’ means a financial statement of a nonregulated corporation having
9 an affiliated interest, as defined in ORS 759.390, with a telecommunications
10 carrier, as defined in ORS 133.721.

11 “(20) The residence address of an elector if authorized under ORS 247.965
12 and subject to ORS 247.967.

13 “(21) The following records, communications and information submitted
14 to a housing authority as defined in ORS 456.005, or to an urban renewal
15 agency as defined in ORS 457.010, by applicants for and recipients of loans,
16 grants and tax credits:

17 “(a) Personal and corporate financial statements and information, in-
18 cluding tax returns;

19 “(b) Credit reports;

20 “(c) Project appraisals, excluding appraisals obtained in the course of
21 transactions involving an interest in real estate that is acquired, leased,
22 rented, exchanged, transferred or otherwise disposed of as part of the project,
23 but only after the transactions have closed and are concluded;

24 “(d) Market studies and analyses;

25 “(e) Articles of incorporation, partnership agreements and operating
26 agreements;

27 “(f) Commitment letters;

28 “(g) Project pro forma statements;

29 “(h) Project cost certifications and cost data;

30 “(i) Audits;

1 “(j) Project tenant correspondence requested to be confidential;
2 “(k) Tenant files relating to certification; and
3 “(L) Housing assistance payment requests.
4 “(22) Records or information that, if disclosed, would allow a person to:
5 “(a) Gain unauthorized access to buildings or other property;
6 “(b) Identify those areas of structural or operational vulnerability that
7 would permit unlawful disruption to, or interference with, services; or
8 “(c) Disrupt, interfere with or gain unauthorized access to public funds
9 or to information processing, communication or telecommunication systems,
10 including the information contained in the systems, that are used or operated
11 by a public body.
12 “(23) Records or information that would reveal or otherwise identify se-
13 curity measures, or weaknesses or potential weaknesses in security measures,
14 taken or recommended to be taken to protect:
15 “(a) An individual;
16 “(b) Buildings or other property;
17 “(c) Information processing, communication or telecommunication sys-
18 tems, including the information contained in the systems; or
19 “(d) Those operations of the Oregon State Lottery the security of which
20 are subject to study and evaluation under ORS 461.180 (6).
21 “(24) Personal information held by or under the direction of officials of
22 the Oregon Health and Science University, a public university listed in ORS
23 352.002 or the Oregon University System about a person who has or who is
24 interested in donating money or property to the Oregon Health and Science
25 University, the system or a public university, if the information is related
26 to the family of the person, personal assets of the person or is incidental
27 information not related to the donation.
28 “(25) The home address, professional address and telephone number of a
29 person who has or who is interested in donating money or property to the
30 Oregon University System or a public university listed in ORS 352.002.

1 “(26) Records of the name and address of a person who files a report with
2 or pays an assessment to a commodity commission established under ORS
3 576.051 to 576.455, the Oregon Beef Council created under ORS 577.210 or the
4 Oregon Wheat Commission created under ORS 578.030.

5 “(27) Information provided to, obtained by or used by a public body to
6 authorize, originate, receive or authenticate a transfer of funds, including
7 but not limited to a credit card number, payment card expiration date,
8 password, financial institution account number and financial institution
9 routing number.

10 “(28) Social Security numbers as provided in ORS 107.840.

11 “(29) The electronic mail address of a student who attends a public uni-
12 versity listed in ORS 352.002 or Oregon Health and Science University.

13 “(30) The name, home address, professional address or location of a person
14 that is engaged in, or that provides goods or services for, medical research
15 at Oregon Health and Science University that is conducted using animals
16 other than rodents. This subsection does not apply to Oregon Health and
17 Science University press releases, websites or other publications circulated
18 to the general public.

19 “(31) If requested by a public safety officer, as defined in ORS 181.610:

20 “(a) The home address and home telephone number of the public safety
21 officer contained in the voter registration records for the public safety offi-
22 cer.

23 “(b) The home address and home telephone number of the public safety
24 officer contained in records of the Department of Public Safety Standards
25 and Training.

26 “(c) The name of the public safety officer contained in county real prop-
27 erty assessment or taxation records. This exemption:

28 “(A) Applies only to the name of the public safety officer and any other
29 owner of the property in connection with a specific property identified by the
30 officer in a request for exemption from disclosure;

1 “(B) Applies only to records that may be made immediately available to
2 the public upon request in person, by telephone or using the Internet;

3 “(C) Applies until the public safety officer requests termination of the
4 exemption;

5 “(D) Does not apply to disclosure of records among public bodies as de-
6 fined in ORS 174.109 for governmental purposes; and

7 “(E) May not result in liability for the county if the name of the public
8 safety officer is disclosed after a request for exemption from disclosure is
9 made under this subsection.

10 “(32) Unless the public records request is made by a financial institution,
11 as defined in ORS 706.008, consumer finance company licensed under ORS
12 chapter 725, mortgage banker or mortgage broker licensed under ORS
13 86A.095 to 86A.198, or title company for business purposes, records described
14 in paragraph (a) of this subsection, if the exemption from disclosure of the
15 records is sought by an individual described in paragraph (b) of this sub-
16 section using the procedure described in paragraph (c) of this subsection:

17 “(a) The home address, home or cellular telephone number or personal
18 electronic mail address contained in the records of any public body that has
19 received the request that is set forth in:

20 “(A) A warranty deed, deed of trust, mortgage, lien, deed of reconveyance,
21 release, satisfaction, substitution of trustee, easement, dog license, marriage
22 license or military discharge record that is in the possession of the county
23 clerk; or

24 “(B) Any public record of a public body other than the county clerk.

25 “(b) The individual claiming the exemption from disclosure must be a
26 district attorney, a deputy district attorney, the Attorney General or an as-
27 sistant attorney general, the United States Attorney for the District of
28 Oregon or an assistant United States attorney for the District of Oregon, a
29 city attorney who engages in the prosecution of criminal matters or a deputy
30 city attorney who engages in the prosecution of criminal matters.

1 “(c) The individual claiming the exemption from disclosure must do so by
2 filing the claim in writing with the public body for which the exemption from
3 disclosure is being claimed on a form prescribed by the public body. Unless
4 the claim is filed with the county clerk, the claim form shall list the public
5 records in the possession of the public body to which the exemption applies.
6 The exemption applies until the individual claiming the exemption requests
7 termination of the exemption or ceases to qualify for the exemption.

8 “(33) The following voluntary conservation agreements and reports:

9 “(a) Land management plans required for voluntary stewardship agree-
10 ments entered into under ORS 541.423; and

11 “(b) Written agreements relating to the conservation of greater sage
12 grouse entered into voluntarily by owners or occupiers of land with a soil
13 and water conservation district under ORS 568.550.

14 “(34) Sensitive business records or financial or commercial information
15 of the State Accident Insurance Fund Corporation that is not customarily
16 provided to business competitors. This exemption does not:

17 “(a) Apply to the formulas for determining dividends to be paid to em-
18 ployers insured by the State Accident Insurance Fund Corporation;

19 “(b) Apply to contracts for advertising, public relations or lobbying ser-
20 vices or to documents related to the formation of such contracts;

21 “(c) Apply to group insurance contracts or to documents relating to the
22 formation of such contracts, except that employer account records shall re-
23 main exempt from disclosure as provided in ORS 192.502 (35); or

24 “(d) Provide the basis for opposing the discovery of documents in liti-
25 gation pursuant to the applicable rules of civil procedure.

26 “(35) Records of the Department of Public Safety Standards and Training
27 relating to investigations conducted under ORS 181.662 or 181.878 (6), until
28 the department issues the report described in ORS 181.662 or 181.878.

29 “(36) A medical examiner’s report, autopsy report or laboratory test report
30 ordered by a medical examiner under ORS 146.117.

1 “(37) Any document or other information related to an audit of a public
2 body, as defined in ORS 174.109, that is in the custody of an auditor or audit
3 organization operating under nationally recognized government auditing
4 standards, until the auditor or audit organization issues a final audit report
5 in accordance with those standards or the audit is abandoned. This ex-
6 emption does not prohibit disclosure of a draft audit report that is provided
7 to the audited entity for the entity’s response to the audit findings.

8 “(38)(a) Personally identifiable information collected as part of an elec-
9 tronic fare collection system of a mass transit system.

10 “(b) The exemption from disclosure in paragraph (a) of this subsection
11 does not apply to public records that have attributes of anonymity that are
12 sufficient, or that are aggregated into groupings that are broad enough, to
13 ensure that persons cannot be identified by disclosure of the public records.

14 “(c) As used in this subsection:

15 “(A) ‘Electronic fare collection system’ means the software and hardware
16 used for, associated with or relating to the collection of transit fares for a
17 mass transit system, including but not limited to computers, radio commu-
18 nication systems, personal mobile devices, wearable technology, fare instru-
19 ments, information technology, data storage or collection equipment, or other
20 equipment or improvements.

21 “(B) ‘Mass transit system’ has the meaning given that term in ORS
22 267.010.

23 “(C) ‘Personally identifiable information’ means all information relating
24 to a person that acquires or uses a transit pass or other fare payment me-
25 dium in connection with an electronic fare collection system, including but
26 not limited to:

27 “(i) Customer account information, date of birth, telephone number,
28 physical address, electronic mail address, credit or debit card information,
29 bank account information, Social Security or taxpayer identification number
30 or other identification number, transit pass or fare payment medium balances

1 or history, or similar personal information; or

2 “(ii) Travel dates, travel times, frequency of use, travel locations, service
3 types or vehicle use, or similar travel information.

4 **“(39) Audio or video recordings, whether digital or analog, resulting**
5 **from a law enforcement officer’s operation of a video camera worn**
6 **upon the officer’s person that records the officer’s interactions with**
7 **members of the public while the officer is on duty. When a recording**
8 **described in this subsection is subject to disclosure, the following ap-**
9 **ply:**

10 **“(a) Recordings that have been sealed in a court’s record of a court**
11 **proceeding or otherwise ordered by a court not to be disclosed may**
12 **not be disclosed.**

13 **“(b) A request for disclosure under this subsection must identify the**
14 **approximate date and time of an incident for which the recordings are**
15 **requested and be reasonably tailored to include only that material for**
16 **which a public interest requires disclosure.**

17 **“(c) A video recording disclosed under this subsection must, prior**
18 **to disclosure, be edited in a manner as to render the faces of all per-**
19 **sons within the recording unidentifiable.**

20 **“SECTION 6.** ORS 192.501, as amended by section 3, chapter 455, Oregon
21 Laws 2005, section 7, chapter 608, Oregon Laws 2007, section 2, chapter 687,
22 Oregon Laws 2007, section 2, chapter 48, Oregon Laws 2008, section 3, chap-
23 ter 57, Oregon Laws 2009, section 2, chapter 135, Oregon Laws 2009, section
24 4, chapter 222, Oregon Laws 2009, section 2, chapter 769, Oregon Laws 2009,
25 section 15, chapter 9, Oregon Laws 2011, section 2, chapter 285, Oregon Laws
26 2011, section 69, chapter 637, Oregon Laws 2011, section 2, chapter 325,
27 Oregon Laws 2013, section 108, chapter 768, Oregon Laws 2013, section 2,
28 chapter 37, Oregon Laws 2014, and section 2, chapter 64, Oregon Laws 2014,
29 is amended to read:

30 “192.501. The following public records are exempt from disclosure under

1 ORS 192.410 to 192.505 unless the public interest requires disclosure in the
2 particular instance:

3 “(1) Records of a public body pertaining to litigation to which the public
4 body is a party if the complaint has been filed, or if the complaint has not
5 been filed, if the public body shows that such litigation is reasonably likely
6 to occur. This exemption does not apply to litigation which has been con-
7 cluded, and nothing in this subsection shall limit any right or opportunity
8 granted by discovery or deposition statutes to a party to litigation or po-
9 tential litigation.

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11 but are not limited to, any formula, plan, pattern, process, tool, mechanism,
12 compound, procedure, production data, or compilation of information which
13 is not patented, which is known only to certain individuals within an or-
14 ganization and which is used in a business it conducts, having actual or
15 potential commercial value, and which gives its user an opportunity to ob-
16 tain a business advantage over competitors who do not know or use it.

17 “(3) Investigatory information compiled for criminal law purposes. The
18 record of an arrest or the report of a crime shall be disclosed unless and only
19 for so long as there is a clear need to delay disclosure in the course of a
20 specific investigation, including the need to protect the complaining party
21 or the victim. Nothing in this subsection shall limit any right constitu-
22 tionally guaranteed, or granted by statute, to disclosure or discovery in
23 criminal cases. For purposes of this subsection, the record of an arrest or the
24 report of a crime includes, but is not limited to:

25 “(a) The arrested person’s name, age, residence, employment, marital sta-
26 tus and similar biographical information;

27 “(b) The offense with which the arrested person is charged;

28 “(c) The conditions of release pursuant to ORS 135.230 to 135.290;

29 “(d) The identity of and biographical information concerning both com-
30 plaining party and victim;

1 “(e) The identity of the investigating and arresting agency and the length
2 of the investigation;

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4 and weapons used; and

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6 apprehending fugitives from justice.

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10 used again. Records establishing procedures for and instructing persons ad-
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13 that the result might be affected.

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15 or catch records, or similar business records of a private concern or enter-
16 prise, required by law to be submitted to or inspected by a governmental
17 body to allow it to determine fees or assessments payable or to establish
18 production quotas, and the amounts of such fees or assessments payable or
19 paid, to the extent that such information is in a form which would permit
20 identification of the individual concern or enterprise. This exemption does
21 not include records submitted by long term care facilities as defined in ORS
22 442.015 to the state for purposes of reimbursement of expenses or determining
23 fees for patient care. Nothing in this subsection shall limit the use which
24 can be made of such information for regulatory purposes or its admissibility
25 in any enforcement proceeding.

26 “(6) Information relating to the appraisal of real estate prior to its ac-
27 quisition.

28 “(7) The names and signatures of employees who sign authorization cards
29 or petitions for the purpose of requesting representation or decertification
30 elections.

1 “(8) Investigatory information relating to any complaint filed under ORS
2 659A.820 or 659A.825, until such time as the complaint is resolved under ORS
3 659A.835, or a final order is issued under ORS 659A.850.

4 “(9) Investigatory information relating to any complaint or charge filed
5 under ORS 243.676 and 663.180.

6 “(10) Records, reports and other information received or compiled by the
7 Director of the Department of Consumer and Business Services under ORS
8 697.732.

9 “(11) Information concerning the location of archaeological sites or ob-
10 jects as those terms are defined in ORS 358.905, except if the governing body
11 of an Indian tribe requests the information and the need for the information
12 is related to that Indian tribe’s cultural or religious activities. This ex-
13 emption does not include information relating to a site that is all or part
14 of an existing, commonly known and publicized tourist facility or attraction.

15 “(12) A personnel discipline action, or materials or documents supporting
16 that action.

17 “(13) Information developed pursuant to ORS 496.004, 496.172 and 498.026
18 or ORS 496.192 and 564.100, regarding the habitat, location or population of
19 any threatened species or endangered species.

20 “(14) Writings prepared by or under the direction of faculty of public ed-
21 ucational institutions, in connection with research, until publicly released,
22 copyrighted or patented.

23 “(15) Computer programs developed or purchased by or for any public
24 body for its own use. As used in this subsection, ‘computer program’ means
25 a series of instructions or statements which permit the functioning of a
26 computer system in a manner designed to provide storage, retrieval and ma-
27 nipulation of data from such computer system, and any associated documen-
28 tation and source material that explain how to operate the computer
29 program. ‘Computer program’ does not include:

30 “(a) The original data, including but not limited to numbers, text, voice,

1 graphics and images;

2 “(b) Analyses, compilations and other manipulated forms of the original
3 data produced by use of the program; or

4 “(c) The mathematical and statistical formulas which would be used if the
5 manipulated forms of the original data were to be produced manually.

6 “(16) Data and information provided by participants to mediation under
7 ORS 36.256.

8 “(17) Investigatory information relating to any complaint or charge filed
9 under ORS chapter 654, until a final administrative determination is made
10 or, if a citation is issued, until an employer receives notice of any citation.

11 “(18) Specific operational plans in connection with an anticipated threat
12 to individual or public safety for deployment and use of personnel and
13 equipment, prepared or used by a public body, if public disclosure of the
14 plans would endanger an individual’s life or physical safety or jeopardize a
15 law enforcement activity.

16 “(19)(a) Audits or audit reports required of a telecommunications carrier.
17 As used in this paragraph, ‘audit or audit report’ means any external or
18 internal audit or audit report pertaining to a telecommunications carrier, as
19 defined in ORS 133.721, or pertaining to a corporation having an affiliated
20 interest, as defined in ORS 759.390, with a telecommunications carrier that
21 is intended to make the operations of the entity more efficient, accurate or
22 compliant with applicable rules, procedures or standards, that may include
23 self-criticism and that has been filed by the telecommunications carrier or
24 affiliate under compulsion of state law. ‘Audit or audit report’ does not mean
25 an audit of a cost study that would be discoverable in a contested case pro-
26 ceeding and that is not subject to a protective order; and

27 “(b) Financial statements. As used in this paragraph, ‘financial
28 statement’ means a financial statement of a nonregulated corporation having
29 an affiliated interest, as defined in ORS 759.390, with a telecommunications
30 carrier, as defined in ORS 133.721.

1 “(20) The residence address of an elector if authorized under ORS 247.965
2 and subject to ORS 247.967.

3 “(21) The following records, communications and information submitted
4 to a housing authority as defined in ORS 456.005, or to an urban renewal
5 agency as defined in ORS 457.010, by applicants for and recipients of loans,
6 grants and tax credits:

7 “(a) Personal and corporate financial statements and information, in-
8 cluding tax returns;

9 “(b) Credit reports;

10 “(c) Project appraisals, excluding appraisals obtained in the course of
11 transactions involving an interest in real estate that is acquired, leased,
12 rented, exchanged, transferred or otherwise disposed of as part of the project,
13 but only after the transactions have closed and are concluded;

14 “(d) Market studies and analyses;

15 “(e) Articles of incorporation, partnership agreements and operating
16 agreements;

17 “(f) Commitment letters;

18 “(g) Project pro forma statements;

19 “(h) Project cost certifications and cost data;

20 “(i) Audits;

21 “(j) Project tenant correspondence requested to be confidential;

22 “(k) Tenant files relating to certification; and

23 “(L) Housing assistance payment requests.

24 “(22) Records or information that, if disclosed, would allow a person to:

25 “(a) Gain unauthorized access to buildings or other property;

26 “(b) Identify those areas of structural or operational vulnerability that
27 would permit unlawful disruption to, or interference with, services; or

28 “(c) Disrupt, interfere with or gain unauthorized access to public funds
29 or to information processing, communication or telecommunication systems,
30 including the information contained in the systems, that are used or operated

1 by a public body.

2 “(23) Records or information that would reveal or otherwise identify se-
3 curity measures, or weaknesses or potential weaknesses in security measures,
4 taken or recommended to be taken to protect:

5 “(a) An individual;

6 “(b) Buildings or other property;

7 “(c) Information processing, communication or telecommunication sys-
8 tems, including the information contained in the systems; or

9 “(d) Those operations of the Oregon State Lottery the security of which
10 are subject to study and evaluation under ORS 461.180 (6).

11 “(24) Personal information held by or under the direction of officials of
12 the Oregon Health and Science University, a public university listed in ORS
13 352.002 or the Oregon University System about a person who has or who is
14 interested in donating money or property to the Oregon Health and Science
15 University, the system or a public university, if the information is related
16 to the family of the person, personal assets of the person or is incidental
17 information not related to the donation.

18 “(25) The home address, professional address and telephone number of a
19 person who has or who is interested in donating money or property to the
20 Oregon University System or a public university listed in ORS 352.002.

21 “(26) Records of the name and address of a person who files a report with
22 or pays an assessment to a commodity commission established under ORS
23 576.051 to 576.455, the Oregon Beef Council created under ORS 577.210 or the
24 Oregon Wheat Commission created under ORS 578.030.

25 “(27) Information provided to, obtained by or used by a public body to
26 authorize, originate, receive or authenticate a transfer of funds, including
27 but not limited to a credit card number, payment card expiration date,
28 password, financial institution account number and financial institution
29 routing number.

30 “(28) Social Security numbers as provided in ORS 107.840.

1 “(29) The electronic mail address of a student who attends a public uni-
2 versity listed in ORS 352.002 or Oregon Health and Science University.

3 “(30) If requested by a public safety officer, as defined in ORS 181.610:

4 “(a) The home address and home telephone number of the public safety
5 officer contained in the voter registration records for the public safety offi-
6 cer.

7 “(b) The home address and home telephone number of the public safety
8 officer contained in records of the Department of Public Safety Standards
9 and Training.

10 “(c) The name of the public safety officer contained in county real prop-
11 erty assessment or taxation records. This exemption:

12 “(A) Applies only to the name of the public safety officer and any other
13 owner of the property in connection with a specific property identified by the
14 officer in a request for exemption from disclosure;

15 “(B) Applies only to records that may be made immediately available to
16 the public upon request in person, by telephone or using the Internet;

17 “(C) Applies until the public safety officer requests termination of the
18 exemption;

19 “(D) Does not apply to disclosure of records among public bodies as de-
20 fined in ORS 174.109 for governmental purposes; and

21 “(E) May not result in liability for the county if the name of the public
22 safety officer is disclosed after a request for exemption from disclosure is
23 made under this subsection.

24 “(31) Unless the public records request is made by a financial institution,
25 as defined in ORS 706.008, consumer finance company licensed under ORS
26 chapter 725, mortgage banker or mortgage broker licensed under ORS
27 86A.095 to 86A.198, or title company for business purposes, records described
28 in paragraph (a) of this subsection, if the exemption from disclosure of the
29 records is sought by an individual described in paragraph (b) of this sub-
30 section using the procedure described in paragraph (c) of this subsection:

1 “(a) The home address, home or cellular telephone number or personal
2 electronic mail address contained in the records of any public body that has
3 received the request that is set forth in:

4 “(A) A warranty deed, deed of trust, mortgage, lien, deed of reconveyance,
5 release, satisfaction, substitution of trustee, easement, dog license, marriage
6 license or military discharge record that is in the possession of the county
7 clerk; or

8 “(B) Any public record of a public body other than the county clerk.

9 “(b) The individual claiming the exemption from disclosure must be a
10 district attorney, a deputy district attorney, the Attorney General or an as-
11 sistant attorney general, the United States Attorney for the District of
12 Oregon or an assistant United States attorney for the District of Oregon, a
13 city attorney who engages in the prosecution of criminal matters or a deputy
14 city attorney who engages in the prosecution of criminal matters.

15 “(c) The individual claiming the exemption from disclosure must do so by
16 filing the claim in writing with the public body for which the exemption from
17 disclosure is being claimed on a form prescribed by the public body. Unless
18 the claim is filed with the county clerk, the claim form shall list the public
19 records in the possession of the public body to which the exemption applies.
20 The exemption applies until the individual claiming the exemption requests
21 termination of the exemption or ceases to qualify for the exemption.

22 “(32) The following voluntary conservation agreements and reports:

23 “(a) Land management plans required for voluntary stewardship agree-
24 ments entered into under ORS 541.423; and

25 “(b) Written agreements relating to the conservation of greater sage
26 grouse entered into voluntarily by owners or occupiers of land with a soil
27 and water conservation district under ORS 568.550.

28 “(33) Sensitive business records or financial or commercial information
29 of the State Accident Insurance Fund Corporation that is not customarily
30 provided to business competitors. This exemption does not:

1 “(a) Apply to the formulas for determining dividends to be paid to em-
2 ployers insured by the State Accident Insurance Fund Corporation;

3 “(b) Apply to contracts for advertising, public relations or lobbying ser-
4 vices or to documents related to the formation of such contracts;

5 “(c) Apply to group insurance contracts or to documents relating to the
6 formation of such contracts, except that employer account records shall re-
7 main exempt from disclosure as provided in ORS 192.502 (35); or

8 “(d) Provide the basis for opposing the discovery of documents in liti-
9 gation pursuant to the applicable rules of civil procedure.

10 “(34) Records of the Department of Public Safety Standards and Training
11 relating to investigations conducted under ORS 181.662 or 181.878 (6), until
12 the department issues the report described in ORS 181.662 or 181.878.

13 “(35) A medical examiner’s report, autopsy report or laboratory test report
14 ordered by a medical examiner under ORS 146.117.

15 “(36) Any document or other information related to an audit of a public
16 body, as defined in ORS 174.109, that is in the custody of an auditor or audit
17 organization operating under nationally recognized government auditing
18 standards, until the auditor or audit organization issues a final audit report
19 in accordance with those standards or the audit is abandoned. This ex-
20 emption does not prohibit disclosure of a draft audit report that is provided
21 to the audited entity for the entity’s response to the audit findings.

22 “(37)(a) Personally identifiable information collected as part of an elec-
23 tronic fare collection system of a mass transit system.

24 “(b) The exemption from disclosure in paragraph (a) of this subsection
25 does not apply to public records that have attributes of anonymity that are
26 sufficient, or that are aggregated into groupings that are broad enough, to
27 ensure that persons cannot be identified by disclosure of the public records.

28 “(c) As used in this subsection:

29 “(A) ‘Electronic fare collection system’ means the software and hardware
30 used for, associated with or relating to the collection of transit fares for a

1 mass transit system, including but not limited to computers, radio commu-
2 nication systems, personal mobile devices, wearable technology, fare instru-
3 ments, information technology, data storage or collection equipment, or other
4 equipment or improvements.

5 “(B) ‘Mass transit system’ has the meaning given that term in ORS
6 267.010.

7 “(C) ‘Personally identifiable information’ means all information relating
8 to a person that acquires or uses a transit pass or other fare payment me-
9 dium in connection with an electronic fare collection system, including but
10 not limited to:

11 “(i) Customer account information, date of birth, telephone number,
12 physical address, electronic mail address, credit or debit card information,
13 bank account information, Social Security or taxpayer identification number
14 or other identification number, transit pass or fare payment medium balances
15 or history, or similar personal information; or

16 “(ii) Travel dates, travel times, frequency of use, travel locations, service
17 types or vehicle use, or similar travel information.

18 **“(38) Audio or video recordings, whether digital or analog, resulting**
19 **from a law enforcement officer’s operation of a video camera worn**
20 **upon the officer’s person that records the officer’s interactions with**
21 **members of the public while the officer is on duty. When a recording**
22 **described in this subsection is subject to disclosure, the following ap-**
23 **ply:**

24 **“(a) Recordings that have been sealed in a court’s record of a court**
25 **proceeding or otherwise ordered by a court not to be disclosed may**
26 **not be disclosed.**

27 **“(b) A request for disclosure under this subsection must identify the**
28 **approximate date and time of an incident for which the recordings are**
29 **requested and be reasonably tailored to include only that material for**
30 **which a public interest requires disclosure.**

1 “(c) A video recording disclosed under this subsection must, prior
2 to disclosure, be edited in a manner as to render the faces of all per-
3 sons within the recording unidentifiable.

4 “SECTION 7. This 2015 Act being necessary for the immediate
5 preservation of the public peace, health and safety, an emergency is
6 declared to exist, and this 2015 Act takes effect on its passage.”.

7
