



Transparency by design – HB 3399

Before computers became widespread, fulfilling a public records request usually meant a government worker opening a file drawer to pull out sheets of paper. These days, government workers often query a database. Data is the modern equivalent of the print on that paper.

Data systems should be treated that way – as information maintained in the public’s name with public dollars and subject to inspection. But in practice, the technological change has eroded the public’s “right to inspect.” Through technology contracts with private vendors, public agencies have traded away efficient public access. The Society of Professional Journalists proposes a strategy for maintaining Oregon’s commitment to transparency as vital to a healthy democracy.

1. Oregon procurement law should state that any vendor bidding to build a records management system must certify that:

- All contents of the database can be exported to a non-proprietary, open format such as a comma-separated text file. This functionality should be built in and not require programming by the public body. The vendor should make it simple for the public body to suppress fields containing information mandatorily exempt in records law.
- The vendor will provide the public body with a detailed description of all tables and fields in the database, known as a “data dictionary.” This document will be a public record and is not a trade secret. The vendor further waives federal copyright protection for the data dictionary.

2. In both new and existing public database systems, the data dictionary, is not a “trade secret” and is not exempt from disclosure.

Explicitly requiring vendors and agencies to store records in a retrievable and transparent manner is essential to lowering the financial barriers of disclosure. Without such a proactive obligation, without concrete steps to ensure public records are affordably accessible, the “right to inspect” public records in Oregon has little meaning.

Contact: Shasta Kearns Moore, shastakearnsmoore@gmail.com, 541-285-3614

Nick Budnick, nickbudnick@gmail.com, 503-961-5025

Doug Barber, lobbyist, doug@lobbyoregon.com, 541-221-3072