

**JOINT WAYS AND MEANS SUBCOMMITTEE  
PUBLIC HEARING – SENATE BILL 106  
Tuesday, June 20, 2017**

The effort to reconcile the need for transparent government with efficient government operations would get a significant boost with the steps envisioned by Senate Bill 106. As a lifelong Oregon journalist with deep experience with Oregon public records, I urge the subcommittee to approve this legislation.

In a career spanning more than 45 years, I have dealt with public records requests and issues at every level of government, from a small irrigation district east of Keizer to the mammoth Oregon Health Authority. I also have advised professional colleagues around the state who have confronted public records questions.

Many disputes about access to public records arise from misunderstandings. Both requesters and government employees too often misunderstand deadlines, how exemptions from disclosure work, and even what is a public record. Just recently, I worked with a county official who didn't want to release particular information "because our office doesn't think that should be public." A polite conversation about what the law in fact allows lead the official to relent and provide the documents. The issue was resolved amicably.

This sort of encounter can happen far more often if Oregon establishes the public record advocate and the Oregon Public Records Advisory Council. In my experience, government employees often take a conservative approach to disclosure not for nefarious reason but caution – to not illegally release material. If they had a nonpartisan advocate they could call on – without incurring significant legal fees – more disputes would end hardly before they started. A public records advocate could provide comfort to government employees that they are acting lawfully. For requesters, there would be greater comfort in tolerating redactions or other exemption claims knowing they have been vetted.

While I understand the tight financial times facing state government, SB 106 is in effect an economy measure that all should embrace. Reducing disputes means government agencies will reduce their costs to respond to requests and significantly reduce the need to summon costly legal help. Requesters would have less reason to pursue appeals of decisions to withhold records, meaning agencies forgo the extra burden of responding in the civil appellate process and perhaps even in costly litigation.

The creation of the public advocate would be one of the most significant improvements to government transparency that the 2017 Legislature can make.

Submitted by:  
Les Zaitz, Publisher  
Malheur Enterprise  
(541) 473-3377  
les@malheurenterprise.com