



Open Government Impact Statement

80th Oregon Legislative Assembly
2019 Regular Session

Measure: SB 223

Only impacts on Original or Engrossed
Versions are Considered Official

Prepared by: Cameron D. Miles
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SUMMARY

Prohibits state use of privately hosted electronic mail to conduct public business. Provides exceptions.

Permits use of privately hosted electronic mail accounts only if state agency adopts written policy establishing penalties for violation of prohibition on use of privately hosted electronic mail to conduct public business and policy is in effect. Requires agency to obtain approval of State Archivist before policy can take effect.

Requires that any use of mobile communications device to send or receive written communications relating to conduct of public business be done on state-issued mobile communications device. Provides exceptions.

Prohibition and requirements become operative January 1, 2020.

Authorizes Secretary of State to provide guidance and establish other exceptions by rule.

Takes effect on 91st day following adjournment sine die.

OPEN GOVERNMENT IMPACT

Legislative Counsel has not adopted standards for drafting measures that establish exemptions from disclosure of public records.

This measure prohibits state agencies, employees and public officials from using personal electronic mail accounts to conduct public business unless electronic mail conducting public business is sent to a state-authorized electronic mail account within 24 hours. The measure also prohibits state agencies, employees and public officials from sending and receiving text messages using personal cellular telephones to conduct public business unless text messages conducting public business are forwarded to a state-issued cellular telephone.

If public records contained in personal electronic mail accounts and in text messages on personal cellular telephones, that could be subject to public disclosure, were instead subject to mandatory disclosure under public records law, it is unlikely that covered public bodies would allow the use of personal electronic mail accounts and devices to conduct public business. That change would make it easier for public records requesters to gain access to public records and would likely reduce the costs associated with requesting public records that are currently in personal electronic mail accounts or on personal cellular telephones.