

Attorney General John Kroger's Government Transparency Initiative

Deadlines

- Public bodies must acknowledge receipt of request within 2 business days, and must be helpful.
- Public bodies have 10 working days to fulfill the request or claim exemptions.
- Public bodies can self-execute an extension of an additional 10 working days with notice to requester.
- The Attorney General may waive deadlines when a request places a significant burden on the government agency. The District Attorney will have this authority for requests to local governments.
- Deadlines do not include time waiting in good faith for clarification of a request or time waiting for the requester's agreement to pay estimated fees.
- Failure to respond within the deadline is deemed a denial. Requester may initiate the appeal process.

Fees

- Public bodies may charge 3 times the minimum wage or the actual cost of staff time, whichever is less. Public bodies may recover actual attorney costs.
- Public bodies may charge for actual cost of materials.
- Public bodies are not required to respond to requests from requesters with an outstanding balance from previous requests.

Note: Deadlines and fee caps will apply to state agencies upon the effective date of the law. Cities, counties, school districts and local governments will be exempt for two years.

Note: Deadlines and fee caps do not apply to requests from (1) requesters doing business with the state, if the request relates to that business; (2) requesters currently seeking or intending to seek to do business with the state, if the request relates to that potential business; (3) requesters intending to sell the requested information; and (4) parties seeking information for potential use in connection with actual or contemplated litigation. Under these circumstances, public bodies can recover actual costs and respond within a reasonable amount of time or, if applicable, according to the timeframe established for discovery in any relevant legal proceeding. Fee caps do not apply to attorney time recoverable under ORS 192.440(4)(b).

Exemptions

- Exemptions are reorganized into 10 category-based exemptions, combining duplicative exemptions and identifying exemptions that can be eliminated. Exemptions outside of Oregon Revised Statutes Chapter 192 will be eliminated where practical and replaced with more generally applicable exemptions. Where a particular exemption must be maintained outside of Chapter 192, it will be referred to under the appropriate general exemption category.
- Public bodies and public officials are immune from liability for good-faith disclosure of records.
- Evidentiary privileges are preserved when privileged materials are inadvertently disclosed and volume of non-privileged records disclosed means that careful review would significantly impede disclosure of non-privileged materials.
- Law made explicit to say that public bodies cannot contract around public record law.
- More than 100 exemptions proposed for elimination.

Public Meetings

- Some public meetings must be audio recorded, including executive session.
- Seven days after meeting, recording of public portions of a meeting that is subject to the recording requirement must be available to the public (i.e. provided within twenty-four hours of request); requirement is satisfied by posting to website in a format accessible using any software that is readily available to individuals at no charge.
- Entities subject to the new rules are: state boards and commissions, county commissions, city councils, school boards and any governing body of a public body when it is in executive session.
- Clarify that representatives of electronic media can attend executive sessions.

Training: The Department of Justice will develop and provide, free of charge, training materials relating to public records and public meetings law.