

**November 25, 2019**

**Location: Oregon State Capitol, Hearing Rm 343, 900 Court St. NE, Salem, OR 97301  
Sunshine Committee Members**

Michael Kron, Special Counsel, Oregon Department of Justice / Chair  
Emily Matasar, Government Accountability Attorney, Governor's Office / Vice Chair  
Mary Beth Herkert, Oregon Secretary of State  
Bennett Hall, Newspaper Publishers Association  
Charlie Fisher, OSPIRG State Director  
Karin Johnson, Independence City Recorder (by phone)  
Brent Walth, Journalism Professor, University of Oregon (by phone)  
Selena Deckelmann, Director of Engineering, Mozilla Firefox (by phone)

**Guests**

Nick Budnick, SBJ  
Cameron Miles, Office of Legislative Counsel  
Karin Power, State Representative (by phone)

**Agenda**

**AUDIO STREAM 0:00:00-01:30:00**

Welcome and Introductions

**Chair Kron** opens with sharing about an email from 10:20am regarding feedback from Oregon Newspapers Publication Association (ONPA) and Society of Professional Journalists (SPJ) in which he forwarded to members. A second email came in with additional feedback at 1:26pm and was forwarded to any members missing.

**Chair Kron** expresses interest in leaving Sunshine Committee.

**Agenda Item #1 - Consideration of Revised Proposal**

Consideration of Revised Proposal report for Legislature regarding bulk data. **Chair Kron** posted two weeks ago. SPJ was unfavorable and OMPA's letter was brief and unclear of concerns.

**Chair Kron** opens for discussion among members of proposal and next steps.

**Mr. Fisher** shares about a discussion in subcommittee – where additional language is added into request to encourage clarity. This would require the requestor to make a contractual agreement that limits use of info, which may lead agency to then be more willing to release information and by adding security there could be recourse for inappropriate action of data. Balancing test could be more on the side of disclosure, because of harm associated with releasing that information would be minimized. He proposes language in Section 3a: in first sentence after “comments”

“Whereby the requestor agrees to use bulk data in a manner consistent with the public interest reason stated in the request”.

**Ms. Herkert** expresses there is a lot of liability that comes with releasing this type of information and the stronger the agreement is better to prevent any complications down the road.

**Chair Kron** questions whether **Mr. Fisher's** suggestion make sense or if agreement should specify purposes that are permissible. Should there be an "express lane" option where individual types of requests are grouped and processed in the same manner OR should agreement address collateral downsides of disclosure, that makes public interest easier to assess? **Ms. Herkert** suggests that both models work.

**Ms. Matasar** explains it may be easier to identify unauthorized uses of bulk data transfers. She questions the purpose of the not fast-tracked option.

Section 3 revised after parenthetical and end with,

"By facilitating easier and more consistent balancing of interest to see what conditional exemption applies"

"Providing a standardized data transfer agreement template, whereby the requestor agrees to use the PII data in a manner consistent with public interest purposes identified either in the request or by the legislature in the agreement template. The template may also specify unauthorized uses of data. Obtained under such commercial solicitation, transfer, or sale of data, and/or harassment. Requestors would also take reasonable steps to prevent authorized use by others. Penalties on public bodies for violations of agreement by requestors nor tasked with enforcement is unobjected too. Any penalties should be imposed on requestors who violate the agreement"

**Chair Kron** asked for a motion on both amendments and tabs were kept:

Ms. Johnson, Mr. Walth, Ms. Deckelmann, Ms. Herkert, Mr. Fisher, Ms. Matasar, Chair Kron voted for amendments.

Mr. Hall, Nay

**Chair Kron** to revise proposals and email on memo format to former legislatures on PRS committee and ex-officio members and governor.

#### **Agenda Item #4 – Future Business**

Discuss family law exemptions at next meeting. **Chair Kron** was going to check in with other attorneys on this matter. May or may not have further input on exemptions at next meeting.

Legislative session begins in January – work to avoid 13th-15<sup>th</sup> for subcommittee meeting.

**Mr. Fisher** believes the bills will be posted on January 17<sup>th</sup> and his subcommittee will begin reviewing then.

Adjournment