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**Exemption Statute and Title: [ORS 163A.225](#) Release of Information Concerning Sex Offender Adjudicated in Juvenile Court**

**Summary:** Governs and restricts the release of information about juvenile sex offenders by law enforcement agencies.

**Relevant Text:** [ORS 163A.225](#)

(1) (a) Except as otherwise provided in this section, when a sex offender is under the supervision of the Oregon Youth Authority or a county juvenile department for the first time as a result of committing an act that if committed by an adult would constitute a sex crime, the Department of State Police, city police department or county sheriff's office shall release, upon request, only:

(A) The sex offender's name and year of birth;

(B) The name and zip code of the city where the sex offender resides;

(C) The name and telephone number of a contact person at the agency that is supervising the sex offender; and

(D) The name of institutions of higher education that the sex offender attends or at which the sex offender works or carries on a vocation.

(b) Notwithstanding paragraph (a) of this section, the Oregon Youth Authority or a county juvenile department shall release, upon request, any information that may be necessary to protect the public concerning a sex offender under the supervision of the authority or department.

(2) Except as otherwise limited by subsection (1)(a) of this section regarding persons who are under supervision for the first time as sex offenders, the Department of State Police, a city police department or a county sheriff's office shall release, upon request, any information that may be necessary to protect the public concerning sex offenders required to report under [ORS 163A.025](#) who reside in a specific area or concerning a specific sex offender required to report under [ORS 163A.025](#). However, the entity releasing the information may not release the identity of a victim of a sex crime.

(3) (a) The Department of State Police may make the information described in subsections (1) and (2) of this section available to the public, without the need for a request, by electronic or other means. The Department of State Police shall make information about a person who is under supervision for the first time as a result of committing an act that if committed by an adult would constitute a sex crime accessible only by the use of the sex offender's name. For all other sex offenders required to report under [ORS 163A.025](#), the Department of State Police may make the information accessible in any manner the department chooses.

(b) Notwithstanding paragraph (a) of this subsection, the Department of State Police may not use the Internet to make information available to the public.

**Enumerated Exceptions or Public Interest Balancing Test?** The Oregon Youth Authority or a county juvenile department shall release, upon request, any information that may be necessary to protect the public concerning a sex offender under the supervision of the authority or department.

**Cited in Court Cases, AG Opinions and/or Public Records Orders?** No.

**Exemption Statute and Title: [ORS 179.045](#) Reports on Convictions**

**Summary:** Makes confidential reports prepared by court clerks regarding juveniles found to be within the jurisdiction of the court and prepared for the Department of Corrections.

**Relevant Text:** [ORS 179.045](#)

(1) The clerk of a circuit or county court shall cause a report to be made to the Department of Corrections on each offender convicted of a felony or misdemeanor in the court and on each juvenile found to be within the jurisdiction of the court by reason of a ground set forth in [ORS 419B.100\(1\)\(a\)](#) or [419C.005\(1\)](#).

(2) The Department of Corrections shall prescribe forms for the reports required under subsection (1) of this section. Information required may include the name, age, sex, crime or action and disposition of the offender or juvenile and such other information as the department by rule may require. Such reports are confidential and may not be used in evidence.

**Enumerated Exceptions or Public Interest Balancing Test? No.**

**Cited in Court Cases, AG Opinions and/or Public Records Orders? No.**

**Exemption Statute and Title: [ORS 192.345\(41\)](#) Public Records Conditionally Exempt From Disclosure**

**Summary:** Makes conditionally exempt any information reported to a tip line concerning threats to student safety. Make personally identifiable information in such reports unconditionally exempt.

**Relevant Text:** [ORS 192.345](#)

The following public records are exempt from disclosure under [ORS 192.311](#) to [192.478](#) unless the public interest requires disclosure in the particular instance:

(41) The contents of tips reported to a tip line, as defined in [ORS 339.329](#). However, personally identifiable information, as defined in [ORS 339.329](#), is not subject to public interest balancing under this section and remains exempt from disclosure except as provided in [ORS 339.329](#).

**Enumerated Exceptions or Public Interest Balancing Test?** Yes – public interest balancing test for the contents of tips, but not for personally identifiable information.

**Cited in Court Cases, AG Opinions and/or Public Records Orders?** No.

**Exemption Statute and Title: [ORS 329A.390](#) Inspection**

**Summary:** Prohibits the disclosure of the complainant's name and other identifying information related to certain complaints received and investigated by the Office of Child Care.

**Relevant Text:**

(4) Complaints, including but not limited to serious complaints, made by individuals or entities regarding certified or registered child care facilities, regulated subsidy facilities, preschool recorded programs or school-age recorded programs may be received and investigated by the Office of Child Care. The name, address and other identifying information about the individual or entity that made the complaint may not be disclosed.

**Enumerated Exceptions or Public Interest Balancing Test? No.**

**Cited in Court Cases, AG Opinions and/or Public Records Orders? No.**

**Exemption Statute and Title: [ORS 339.323\(1\)](#) Disclosure of Information Regarding Person Charged With or Convicted of Crime or Regarding Release or Discharge of Person**

**Summary:** Restricts the disclosure of information provided to school administrators regarding juvenile offenders.

**Relevant Text:** [ORS 339.323\(1\)](#)

(1) When a school administrator as defined in [ORS 419A.305](#) receives notice under [ORS 339.317](#), [339.319](#), [339.321](#), [419A.015](#), [420.048](#) or [420A.122](#), the school administrator may disclose the information only to school personnel, as defined in [ORS 339.326](#), who the school administrator determines need the information in order to safeguard the safety and security of the school, students and staff. A person to whom personally identifiable information is disclosed under this subsection may not disclose the information to another person except to carry out the provisions of this subsection.

**Enumerated Exceptions or Public Interest Balancing Test?** No.

**Cited in Court Cases, AG Opinions and/or Public Records Orders?** No.

**Exemption Statute and Title: [ORS 339.326](#) Actions After Receipt of Notice Under ORS 419A.305**

**Summary:** Makes confidential any information provided to school administrators regarding certain juvenile offenders.

**Relevant Text:** [ORS 339.326](#)

(6)(a) Except as provided in this section, information contained in a notice required under [ORS 419A.305](#) or obtained from an out-of-state school under subsection (3) of this section is confidential.

(b) Persons receiving information contained in a notice required under [ORS 419A.305](#) or obtained from an out-of-state school under subsection (3) of this section may not disclose any information received to anyone other than:

- (A) The person who is the subject of the notice or the transfer student;
- (B) The parent or guardian of the person who is the subject of the notice or the transfer student;
- (C) A school administrator;
- (D) School personnel notified under subsection (2) or (3) of this section;
- (E) Law enforcement personnel;
- (F) The probation officer or juvenile counselor of the person who is the subject of the notice or the transfer student; and
- (G) The attorney for the person who is the subject of the notice or the transfer student.

**Enumerated Exceptions or Public Interest Balancing Test?** Exceptions listed above, but none permit disclosure to the general public.

**Cited in Court Cases, AG Opinions and/or Public Records Orders?**



**Exemption Statute and Title: [ORS 339.329](#) Statewide Tip Line to Report Information Concerning Threats or Potential Threats to Student Safety**

**Summary:** Restricts the disclosure of personally identifiable information reported to a tip line concerning threats to student safety. See also ORS 192.345(41).

**Relevant Text:** [ORS 339.329](#)

(4) The contents of tips reported to the tip line may be disclosed only as allowed under [ORS 192.345\(41\)](#), except that:

(a) Personally identifiable information may be disclosed only as provided in this section; and

(b) Personally identifiable information and other information reported through the tip line may be disclosed to the following persons for the purpose of follow-up contact to obtain or provide further information:

(A) Tip line staff;

(B) A school district, education service district, community college, private school that provides educational services to kindergarten through grade 12 students, career school or public university;

(C) A service provider; or

(D) Law enforcement.

**Enumerated Exceptions or Public Interest Balancing Test?**

[ORS 192.345](#) exempts the following from disclosure unless the public interest requires disclosure in a particular instance:

(41) The contents of tips reported to a tip line, as defined in ORS 339.329. However, personally identifiable information, as defined in ORS 339.329, is not subject to public interest balancing under this section and remains exempt from disclosure except as provided in ORS 339.329.

**Cited in Court Cases, AG Opinions and/or Public Records Orders? No.**

**Exemption Statute and Title: [ORS 417.030](#) The Interstate Compact for Juveniles**

**Summary:** Authorizes the Governor to enter an interstate compact regarding the transfer or return of juvenile offenders between jurisdictions and permits the governing Interstate Commission to exempt information or official records to the extent disclosure would adversely affect personal privacy rights or proprietary interests.

**Relevant Text: [ORS 417.030](#)**

H. The Interstate Commission's bylaws shall establish conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.

**Enumerated Exceptions or Public Interest Balancing Test? No.**

**Cited in Court Cases, AG Opinions and/or Public Records Orders? No.**

**Exemption Statute and Title: [ORS 418.811](#) Team Assignment and Membership**

**Summary:** Makes confidential any information provided to a Critical Incident Review Team investigating certain child abuses cases that result in the death of a child.

**Relevant Text:** [ORS 418.811](#)

(5) (a) All information and records available to the department regarding the critical incident shall be provided to team members. Information and records under this subsection include, but are not limited to, medical records, hospital records, records maintained by any state, county or local agency, police investigative data, coroner or medical examiner investigative data and social services records, as necessary to complete a case review under this section.

(b) Information and records provided to team members are confidential and may be disclosed only as necessary to carry out the purposes of the team's case review.

**Key Terms:**

“Critical incident” means an incident that resulted in the death of a child if the Department of Human Services reasonably believes the death was the result of child abuse and:

- (1) The child was in the custody of the department at the time of death;
- (2) The child, the child's sibling or any other child living in the household with the child was the subject of a child protective services assessment by the department within the 12 months preceding the fatality;
- (3) The child, the child's sibling or any other child living in the household with the child had a pending child welfare or adoption case with the department within the 12 months preceding the fatality; or
- (4) The child, the child's sibling or any other child living in the household with the child was the subject of a report of abuse or neglect made to the department or a law enforcement agency within the 12 months preceding the fatality, whether or not the report was closed at screening without an investigation being commenced.

**Enumerated Exceptions or Public Interest Balancing Test? No.**

**Cited in Court Cases, AG Opinions and/or Public Records Orders? No.**

**Exemption Statute and Title: [ORS 419A.015](#) Reports to School Administrators  
Concerning Youth Offenders on Probation**

**Summary:** Restricts the disclosure of information provided to school administrators regarding juvenile offenders on probation.

**Relevant Text:** [ORS 419A.015](#)

- (1) (a) Once each month, a county juvenile department shall provide to school administrators of schools or of school districts in the county a list of all adjudicated youths enrolled in a school in the county who are on probation by order of the juvenile court in the county. The department shall include in the list the name and business telephone number of the juvenile counselor assigned to each case.
- (b) When an adjudicated youth who is on probation transfers from one school or school district to a different school or school district, the juvenile counselor assigned to the case shall notify the school administrator of the school or of the school district to which the adjudicated youth has transferred of the adjudicated youth's probation status. The juvenile counselor shall make the notification no later than 72 hours after the juvenile counselor knows of the transfer.

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- (4) When a school administrator receives any notice under this section, the school administrator may disclose the information only to school personnel, as defined in [ORS 339.326](#), who the school administrator determines need the information in order to safeguard the safety and security of the school, students and staff. A person to whom personally identifiable information is disclosed under this subsection may not disclose the information to another person except to carry out the provisions of this subsection.

**Enumerated Exceptions or Public Interest Balancing Test?** No.

**Cited in Court Cases, AG Opinions and/or Public Records Orders?** No.

**Exemption Statute and Title: [ORS 419A.100](#) Confidentiality of Information**

**Summary:** Makes juvenile information reviewed by local citizen review boards confidential.

**Relevant Text:** [ORS 419A.100](#)

(1) Before beginning to serve on a local citizen review board, each member shall swear or affirm to the court that the member shall keep confidential the information reviewed by the board and its actions and recommendations in individual cases.

**Enumerated Exceptions or Public Interest Balancing Test?** No.

**Cited in Court Cases, AG Opinions and/or Public Records Orders?**

[PRO McClure \(5/25/1995\)](#) (observing that citizen review board records are exempt from disclosure to all persons who are not participants)

**Exemption Statute and Title: [ORS 419A.255](#) Maintenance**

**Summary:** Makes juvenile court records confidential and privileged, with some exceptions. Also see [ORS 419A.257](#).

**Relevant Text: [ORS 419A.255](#)**

(1) (a) The clerk of the court shall maintain a record of each case and a supplemental confidential file for each case, except as otherwise provided in [ORS 7.120](#).

(b) The record of the case shall be withheld from public inspection but is open to inspection by the following (judges, youth, parents, guardians, attorneys, special advocates, service providers, district attorneys, juvenile department, DHS, OYA)

(2) (a) Reports and other material relating to the child, ward, youth or youth offender's history and prognosis in the record of the case or the supplemental confidential file are privileged and, except at the request of the child, ward, youth or youth offender, shall be withheld from public inspection except that inspection is permitted as set forth in subsection (1)(b) of this section and paragraph (b) of this subsection. \*\*\*

**Enumerated Exceptions or Public Interest Balancing Test? Yes.**

(6) Notwithstanding any other provision of law, and subject to subsection (8) of this section, the following are not confidential and not exempt from disclosure:

- (a) The name and date of birth of the youth or youth offender;
- (b) The basis for the juvenile court's jurisdiction over the youth or youth offender;
- (c) The date, time and place of any juvenile court proceeding in which the youth or youth offender is involved;
- (d) The act alleged in the petition that if committed by an adult would constitute a crime if jurisdiction is based on [ORS 419C.005](#);
- (e) That portion of the juvenile court order providing for the legal disposition of the youth or youth offender when jurisdiction is based on [ORS 419C.005](#);
- (f) The names and addresses of the youth or youth offender's parents or guardians; and
- (g) The register described in [ORS 7.020](#) when jurisdiction is based on [ORS 419C.005](#).

(7) Notwithstanding any other provision of law, and subject to subsection (8) of this section, when a youth has been taken into custody under [ORS 419C.080](#), the following information shall be disclosed unless, and only for so long as, there is a clear need to delay disclosure in the course of a specific investigation, including the need to protect the complaining party or the victim:

- (a) The youth's name and age and whether the youth is employed or in school;
- (b) The youth offense for which the youth was taken into custody;
- (c) The name and age of the adult complaining party and the adult victim, unless the disclosure of such information is otherwise prohibited or restricted;
- (d) The identity of the investigating and arresting agency; and

(e) The time and place that the youth was taken into custody and whether there was resistance, pursuit or a weapon used in taking the youth into custody.

**Cited in Court Cases, AG Opinions and/or Public Records Orders?**

[PRO Bachman](#) (8/6/09) (denying a media petition seeking disclosure of Oregon Youth Authority records relating to a child who was in the custody of DHS' Child Services Division)

[PRO Cole](#) (2/3/09) (denying media petition seeking the judge's order approving an adoption after child later murdered by adopted parent; the order was exempt as a juvenile court record)

[PRO Matteo-Boehm](#) (9/2/05) (denying, in part, a media petition seeking disclosure of "administrative information" regarding DHS' activities and responsibilities in a juvenile case insofar as the responsive records consisted of juvenile court records)

[PRO Black](#) (12/11/98) (under a prior version of the statute, denying a father's petition seeking disclosure of son's confidential history and prognosis records in the custody of the Office for Services to Children and Families; parents not entitled to disclosure under the statute)

[PRO Zaitz](#) (6/28/96) (under a prior version of the statute, denying media petition seeking disclosure of records maintained by the Office for Services to Children and Families, notwithstanding the consent of the father who was otherwise entitled to "inspect" the records)

[PRO Deutsch](#) (4/10/95) (denying petition seeking disclosure of information maintained by the Child Services Division that was obtained from juvenile court temporary custody orders and petitions)

**Exemption Statute and Title: [ORS 419A.257](#) Reports and Materials Privileged**

**Summary:** Makes privileged any reports or other materials relating to a child, ward, youth or youth offender's history and prognosis maintained by the Oregon Youth Authority or the juvenile department. Also see [ORS 419A.255](#).

**Relevant Text: [ORS 419A.257](#)**

(1) Reports and other materials relating to a child, ward, youth or youth offender's history and prognosis that are created or maintained by or on behalf of the Oregon Youth Authority or the juvenile department are privileged and, except with the consent of the child, ward, youth or youth offender or with the authorization of the court, shall be withheld from public inspection.

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(5) (a) Information appearing in reports or other materials relating to the child, ward, youth or youth offender's history or prognosis may not be disclosed directly or indirectly to any person not described in subsection (2) of this section unless the consent of the child, ward, youth or youth offender or the authorization of the court has been obtained, except for purposes of evaluating the child, ward, youth or youth offender's eligibility for special education as provided in ORS chapter 343.

**Enumerated Exceptions or Public Interest Balancing Test?** Several exemptions for limited official purposes, but none that would permit disclosure to the general public without the consent of the juvenile or authorization from a court.

**Cited in Court Cases, AG Opinions and/or Public Records Orders? No.**



**Exemption Statute and Title: [ORS 419A.262](#) Expunction Proceeding**

**Summary:** Prohibits agencies from disclosing information about juvenile offenses that are the subject of an expunged record.

**Relevant Text:** [ORS 419A.262](#)

(21) Upon entry of an expunction judgment, the contact that is the subject of the expunged record shall not be disclosed by any agency. An agency that is subject to an expunction judgment shall respond to any inquiry about the contact by indicating that no record or reference concerning the contact exists.

**Key Terms:**

(a) “Contact” means any instance in which a person’s act or behavior, or alleged act or behavior, which could result in a juvenile court’s assumption of jurisdiction under [ORS 419B.100](#)(1)(a) to (c) and (f) or [419C.005](#) comes to the attention of an agency specified in paragraph (d) of this subsection.

(b) “Expunction” means:

(A) The removal and destruction or sealing of a judgment or order related to a contact and all records and references; and

(B) Where a record is kept by the Department of Human Services or the Oregon Youth Authority, either the sealing of such record by the department or the Oregon Youth Authority or, in a multiperson file, the affixing to the front of the file, by the department or the youth authority, a stamp or statement identifying the name of the individual, the date of expunction and instruction that no further reference shall be made to the material that is subject to the expunction order except upon an order of a court of competent jurisdiction.

**Enumerated Exceptions or Public Interest Balancing Test? No.**

**Cited in Court Cases, AG Opinions and/or Public Records Orders? No.**

**Exemption Statute and Title: [ORS 419B.035](#) Confidentiality of Records**

**Summary:** Makes confidential all records or reports compiled under Oregon's Child Abuse Reporting Statutes.

**Relevant Text:** [ORS 419B.035](#)

(1) Notwithstanding the provisions of [ORS 192.001](#) to [192.170](#), [192.210](#) to [192.478](#) and [192.610](#) to [192.810](#) relating to confidentiality and accessibility for public inspection of public records and public documents, reports and records compiled under the provisions of [ORS 419B.010](#) to [419B.050](#) are confidential and may not be disclosed except as provided in this section. \*\*\*

**Enumerated Exceptions or Public Interest Balancing Test?**

ORS 419B.035(1) requires DHS to disclose child abuse records – in limited circumstances and for limited purposes – to: law enforcement agencies; certain medical providers; attorneys or other parties in juvenile court proceedings; certain citizen review boards; court appointed special advocates in certain proceedings; the Office of Child Care; the Office of Children's Advocate; the Teacher Standards and Practices Commission for certain investigations; Disability Rights Oregon, *and to any person in cases where a child, as the result of abuse, died or suffered serious physical injury.* Note that within the context of Oregon's Public Records Law, the statute does not generally permit the disclosure of child abuse records to alleged victims, alleged perpetrators, or parents/guardians.

ORS 419B.035(3) gives OHS discretion to make records compiled under Oregon's Child Abuse Reporting Statutes available to any person “when the department determines that such disclosure is necessary to administer its child welfare services and is in the best interests of the affected child, or that such disclosure is necessary to investigate, prevent or treat child abuse and neglect, [and] to protect children from abuse and neglect\*\*\*.”

**Cited in Court Cases, AG Opinions and/or Public Records Orders?** Dozens of PROs, with representative examples below.

[Pamplin Media v. Salem](#), 293 Or App 755 (2018) (the record of an arrest in a child abuse case was not compiled under Oregon's Child Abuse Reporting Statutes; information sought was obtained under authorities governing the conduct of criminal investigations)

[PRO Maynard](#) (8/19/20) (DHS permitted to withhold exempt child abuse records)

[PRO Thompson](#) (5/29/20) (same)

[PRO van der Linde](#) (5/26/20) (if DHS exercises its discretion to disclose child abuse records under ORS 419B.035(3), it is not permitted to disclose the “name, address and other identifying information about the person who made the report.”)

[PRO Gormley](#) (1/16/20) (DHS permitted to withhold exempt child abuse records from the subject of the records)

[PRO Wishnia](#) (7/8/19) (DHS permitted to withhold exempt child abuse records from the father of the victim)

[PRO Chapman](#) (6/26/19) (child welfare records to which petitioner may have been entitled under ORS 409.225 did not include a subset of child abuse records, which were expressly exempt under ORS 419B.035)

[PRO Upham](#) (4/1/19) (noting that the court's interpretation of the statute in [Pamplin Media v. Salem](#) (above) suggests that law enforcement agencies may need to better distinguish between records compiled under Oregon's Child Abuse Reporting Statutes and those compiled under separate law enforcement authorities).

[PRO Brynelson](#) (2/28/19) (cross report of child abuse by DHS to state police was exempt)

[PRO Young](#) (5/2/18) (application of the confidentiality provisions in ORS 419B.035 and 409.225 (child welfare records) do not turn on the public interest)

[PRO Bailey](#) (7/3/14) (documents compiled in law enforcement investigations of child abuse are compiled under the child abuse reporting statutes, specifically ORS 419B.020, and are therefore confidential)

[PRO Hinkle](#) (5/26/06) (to find an abuse of discretion under ORS 419B.035(3), we would need to find that DHS determined that disclosure was necessary to its administration of child welfare services and in the best interests of the child, or that disclosure was necessary to investigate, prevent or treat child abuse and neglect, or to protect children from abuse and neglect, or for research, but nonetheless chose not to make this necessary disclosure)

**Exemption Statute and Title: [ORS 419B.112](#) Court Appointed Special Advocate**

**Summary:** Information acquired by a court appointed special advocate during juvenile proceedings is confidential under [ORS 419A.255](#).

**Relevant Text:** [ORS 419B.112](#)

(1) In every case under ORS chapter 419B, the court shall appoint a court appointed special advocate. The court appointed special advocate is deemed a party in these proceedings and may be represented by counsel, file pleadings and request hearings and may subpoena, examine and cross-examine witnesses. \*\*\*

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(8) All records and information acquired or reviewed by a court appointed special advocate during the course of official duties are deemed confidential under [ORS 419A.255](#).

**Enumerated Exceptions or Public Interest Balancing Test?** See summary of [ORS 419A.255](#)

**Cited in Court Cases, AG Opinions and/or Public Records Orders?** No.