

Draft Comments:

HB 2062: Section 16 of the proposed bill appears to create a new exemption to public records law, with its balancing test separate from that contained within ORS 192.345. As a general concept, the Sunshine Committee is opposed to the creation of new exemptions to the Public Records Law. Specific to this bill, we see no need for a new exemption as existing exemptions for trade secrets or other proprietary business information would be sufficient to protect the information submitted to the agency. Particularly if the new exemption in the bill has its own new balancing test with different criteria than what exists under the majority of conditional exemptions currently in state law.

HB 2719: this confidentiality language is specific to PII. So in retrospect I don't know if we need any comments because our concern was over adding language specific to the release of aggregate data, which I think the language pretty clearly allows.

HB 3559: Section 2(4) should be modified. As written, it creates an exemption from public inspection for confidential commercial or financial information. However, this same section permits for the redaction of such sensitive information by the manufacturer prior to submission to the Attorney General's office. If manufacturers have the ability to redact sensitive information prior to submission, then what is submitted should not then still be exempt from public disclosure. The burden for redaction should be on the manufacturer and then what is submitted could be requested and viewed by the general public.

HB 3628: Section 3(8) should be modified. Current language states that the Board itself may in its own discretion determine what information is confidential and privileged and therefore exempt from disclosure under Oregon's Public Records Law. This approach is backwards from the existing framework of the Public Records Law. As a general concept, the Sunshine Committee is opposed to the creation of new exemptions to the Public Records Law. To the extent the board is reviewing private business information that may be secret, proprietary or otherwise exempt from public inspection, the existing framework for exempting such materials from public disclosure should be sufficient without the creation of another new exemption, let alone an exemption that is determined by the public body itself.

SB 555: This bill creates a new exemption for public records law that is unneeded. As a general concept, the Sunshine Committee is opposed to the creation of new exemptions to the Public Records Law. To the extent that LPRO is reviewing materials already exempt from public inspection then those exemptions should be relied upon to limit their dissemination. The creation of a new carte blanche exemption for all materials reviewed by LPRO is another unneeded exemption to the public records law.

SB 870: The sunshine committee would request that the exemption added in Section 1(1)(d) should be made a conditional exemption subject to the public interest balancing test contained in ORS 192.345.