

Public Records Advisory Council Meeting Minutes

April 10, 1:00PM – 2:40 PM

Oregon State Archives

800 Summer Street

Salem, OR 97310

Council Members present:

Mark Landuaer – special districts

Mary Beth Herkert – Secretary of State

Steve Suo – news media

Ginger McCall – Public Records Advocate

Liz Craig – Department of Administrative Services

Michael Kron – Department of Justice

Scott Winkels - cities

Todd Albert – Deputy Public Records Advocate

Tony Hernandez – public

Les Zaitz – news media

Rob Bovett (by phone) - counties

Lee van der Voo (by phone) – news media

Shirin Khosravi (by phone) – public sector workforce

Introductions

Legislative update

- History of prior actions
- Current status of bills
 - Both bills have had hearings – PRAC sunset date removal bill (HB 2430) is moving along; agency reporting bill (HB 2431) is in the House Ways and Means Committee
 - Mark Landauer described the process of what happens to a bill after it leaves ways and means committee

Survey update

- Format for providing information derived from survey
- Cost for Survey Monkey settled
- Results have been exported for review
- Some data from the survey has been useful when reaching out to agencies that listed a fiscal impact for the reporting bill
- With the results of the survey, Ginger stated that they would like to add contact information for all records officers up on their website. Ginger would like to create a report of the results.
- Results will be available in a few weeks. Mid-summer for the report.

Training update

- Scheduled trainings – Springfield, Redmond police conference, Klamath, Department of Corrections tour, Public Law Conference
- Brainstorming future trainings – planning to do more outreach, reached out on Twitter, newsrooms, university journalism programs, Scott Winkels said they do a podcast for cities, Video trainings up on the website.
- Events for Sunshine Week – showcased news stories, honored government employees for outstanding service

Requests for assistance update – numbers and common themes

- 159 requests for assistance since April 2018

- Getting some repeat requesters
- Increased referrals
- News of office's existence is spreading
- Issue repeated in different localities – public officials using social media to communicate, employees have been tasked with locating records, seems to be a gap in accountability
- Needs to be mandatory training for elected officials said many
- Scott Winkels asked how many cities have used mediation – Todd and Ginger replied that there has been lots of advice given, no formal mediation yet.
- Media knows about our office, more work to do with educating the public

Future Plans & Focus Areas

- Legislative concepts
 - Deadlines for next session are fast upon us – what should we focus on?
 - Try not to step on toes of Sunshine Committee – do not want to focus on exemptions
 - Two other measures making their way through the process stated Mark Landauer – HB2353 – still going, SPJ pushing effectively, fines public bodies \$200 that have undue delay, could require production at a reduced rate or for free;
 - HB3399 – died yesterday, but the intention is to continue with the solution for the issue by stuffing it into another bill. Rob Bovett is happy to provide a copy of the new amendment to HB3399 that is not on OLIS.
 - Todd made a spreadsheet of public records related bills this session, it was helpful to many.
 - Open Government Impact statements are located on OLIS
 - Steve Suo said that the concept of fee reform should remain on the table, there is a barrier of fees
 - Ginger would like to do a nation-wide look at what other states are doing with fees, what model is working? NFOIC has offered to help with research. Shasta Kearns Moore from Open Oregon has recently completed this research.
 - Ginger worked with Open Oregon to update their public records guide.
 - Les Zaitz asked, do we need to look at the definition of a public body? Mark Landauer replied that one bad actor creates a whole new statutory framework. Les Zaitz agreed and said fair enough.
- Ideas for other projects, future reports, subcommittees
 - Tony Hernandez would like to contribute to more, as a member of the public. Would like to propose an outreach and education subcommittee. Quarterly newsletter?
 - Weekly blog entry on the website
 - Sue Ryan – City of Newberg – suggested that they make a loop video, send it to Fairs, put up a video in a lobby.
 - Table at State Fair again too?
 - Steve Suo brought up the idea that open data is a huge issue involving cost and technical aspects. Can there be legislative changes that could make data easier to access? Lee van der Voo agreed. Can requesters collaborate with the IT contact instead of just the public information officer?
 - Subcommittee that focuses on data? A subcommittee that focuses on fees? Then the one on outreach as well. Would need additional members for a tech. subcommittee.
 - League of Oregon Cities data page – expensive and only ten categories available. Public notice reform. – Scott Winkels. Mark Landauer – 950 members, half don't have an internet presence. Needs to be a level of understanding, should not create policies that apply statewide.
 - Michael Kron – let's bring in experts for the subcommittees. Transparency by design.

- Mary Beth Herkert stated that some aspects of technology, easy to provide short term access, but access is needed for entire lifecycle of the record.
- Todd Albert asked if we are asking line staff to respond to the public records requests, we need support from Director level.
- What do we want this council to do? Subcommittees, legislation, oversight of the office,
- Discussion by group regarding the state of technologies used by different state agencies.
- Statewide template? NARA issued a notice to be paperless for all federal agencies
- Ginger to reach out to future speakers to talk about open data.
- Ginger asked if the council should make recommendations. Mark said yes, we can. Michael said that fees requires a lot of discussion. Ginger encouraged the council to look at the FOIA open government committee.

Future Dates & Conclusion

- How do people feel about July for the next meeting? Council agrees. Late July or early August. How should the council move forward? Legislative wrap up in July.
- Does the statute actually say that we have to survey? Yes we do, said Ginger. Michael discussed that the Oregon Board of Pharmacy (OBOP) listed a fiscal impact for HB2431. Pharmacists should not be calling it a public records request when they are simply pulling a pharmacist's file, stated Michael. Mark brought up that the council has a bully pulpit to call out agencies. Les agreed that it is an appealing use of the knowledge gleaned. Half of the issue is education, half is attitude. People do not want the negative spotlight – audit report style. Ginger stated that this method was effective at calling out Portland Police Department. Mark stated that he would love to hear it from OBOP, why are you doing this?
- If OBOP is doing this, there are probably many others that are also over-inflating numbers.
- Ginger stated that the council should be ambitious.
- Council adjourned at 2:40 pm.