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Ginger McCall, Oregon's First Public Records Advocate, Issues Final Report

Salem, OR (October 9, 2019) – Today Ginger McCall, Oregon's First Public Records Advocate, issued her final report. Ms. McCall's final day as Public Records Advocate will be October 14, 2019.

Ms. McCall's Final Report, sent to the Public Records Advisory Council and Oregon Governor Kate Brown, highlighted several areas for potential improvement in Oregon's law. Ms. McCall's findings were based on her decade as an attorney working on public records-related issues, as well as the results of the Public Records Advisory Council's 2019 Public Records Survey and conversations Ms. McCall has had with requesters and public officials across Oregon.

In her report, Ms. McCall suggested several potential reforms. The most significant reform proposal was related to public records fees. Ms. McCall proposed that Oregon adopt a modified version of the Freedom of Information Act's (FOIA) fee provisions, which provide clearer standards and less severe fees.

"Oregon's fee structure is more onerous than most other jurisdictions, and often creates real barriers to access for members of the public and reporters," Ms. McCall said. "The fee proposals included in my report are not radical or untested. They are based firmly on the FOIA and fee provisions in other states."

Ms. McCall also proposed greater accountability for elected officials.

"Under the current law, there is no possibility of review of an elected official's denial of a public records request unless the requester takes the matter to court. The cost – in time and money – of pursuing a public records lawsuit is simply not something that ordinary people, or even news media organizations, can easily afford. There should be another less costly review option available," Ms. McCall said.

Additionally, Ms. McCall proposed that the state invest more resources in public records request processing, including the procurement of a tool for tracking public records requests, which could be offered at a reduced cost to both state and local public bodies.

"In both the results of the Public Records Advisory Council's 2019 Public Records Survey and in my conversations with public employees from around the state, I have heard that many public bodies do not have an effective tool for tracking public records requests. This should be a top priority," Ms. McCall said.

Ms. McCall's final proposal was that the Legislature pass the legislative proposal that the Public Records Advisory Council put forward to ensure the independence of the Public Records

Advocate. This proposal was designed to prevent future Advocates from encountering the political interference that Ms. McCall has said was the reason for her departure from this position. It will include the word “independent” in the description of the Office of the Public Records Advocate, and will set up a clear reporting structure for the Advocate, which will minimize potential future interference by elected officials. The Advocate will be selected by, report to, and be removable for cause only by the Council.

“It is essential that the Legislature ensure that the Office of the Public Records Advocate is independent. Without independence, the Advocate cannot speak about potential reforms, conduct effective mediation, or even offer trustworthy trainings,” said Ms. McCall. “I am pleased that the Council has agreed upon such a strong proposal. The task now falls to the Legislature to sign it and to Governor Brown to honor her public commitment to support the Council’s proposal.”

Ms. McCall ended her report with a long list of acknowledgments, thanking the public, the news media, government employees, and governmental leaders for their assistance in building the Office of the Public Records Advocate.

Ginger McCall’s Final Report can be found here: <https://sos.oregon.gov/public-records/Documents/Final-Report-of-Ginger-McCall-Public-Records-Advocate.pdf>

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