Oregon

John A. Kitzhaber, Governor

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OR Commission for Women

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Testimony in support of HB 4086
Senate Committee on General Government, Consumer and Small Business Protection

Chair Shields, Vice Chair George and Members:

Thank you for the opportunity to provide testimony concerning House Bill 4086, which exempts from disclosure under public records law personally identifiable information collected by mass transit electronic fare collection systems.

The members of the Oregon Commission for Women strongly support passage of HB 4086 which has in it the potential to affect a number of women's issues including safety for survivors of domestic violence and stalking. And there are precedents for this legislation. The States of Florida, Utah, Georgia and Washington all have public records law exemptions for electronic fare collection for similar reasons.

The OCFW believes HB 4086 contributes to the safety of women in key ways:

- This bill would deny public record requests on mass transit travel patterns of women and girls and safeguard the privacy and safety of these individuals.
- This bill would provide another important safeguard against potential domestic violence include stalking by potential perpetrators.
- This bill would guarantee the right of women to use mass transit as a means to access employment, education and healthcare services.

We have followed Tri-Met's concerns about this bill and concur with their view that as a public body, the personally identifiable information it and other mass transit providers may collect as part of its future e-fare system may be subject to disclosure under the Oregon Public Records Law, ORS 192.410 et seq. This information may include information about a rider's travel patterns as well as the private financial and account information tied to banking and credit card sources. To protect customer privacy, they need to exempt passengers' personal travel patterns from the public records request law. Since TriMet is now in the planning stage of the e-fare collection system, this is the most opportune time to pass this privacy

legislation since system decisions need to be made now. Future system changes after this year would have implications for additional design time and financial costs.

More specifically, the Oregon Commission for Women supports TriMet's concerns about being required to disclose riders' travel patterns, especially in cases where there may be domestic violence issues. According to Oregon statistics, domestic violence accounted for one in four homicides in Oregon, and 45 percent of homicides of females between 2003 and 2010. Eighty percent of female homicide victims of domestic violence were killed by intimate partners, and 66 percent of those killed by intimate partners were living with their partners at the time and were killed in their own homes. These statistics are shocking.

The OCFW has a strong commitment to recognizing that domestic survivors need the protection of laws to assist them with their daily lives. In 2012, the Commission successfully proposed its own legislation and worked with the governor's office, elected bodies and judicial officials to provide protection of the laws to assist domestic violence survivors with new names and identification numbers. HB 4086 is another potential tool to protect the privacy and safety rights of women survivors.

The Oregon Commission for Women urges you to support HB 4086 with your vote.

Respectfully submitted,

Dr. Barbara Spencer

Dr. Barbara Spencer, Commissioner
Oregon Commission for Women