



Advisory Council

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Public Records Law High Level Overview

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Oregon's Public Records Law Overview

ORS 192 Records; Public Reports and Meetings

“Public record” means any information that:

(A) Is prepared, owned, used or retained by a state agency or political subdivision;

(B) Relates to an activity, transaction or function of a state agency or political subdivision; and

(C) Is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the state agency or political subdivision. – ORS 192.005 (5)

Oregon's Public Records Law Overview

- ORS 192.108 directs each state agency to maintain a public record or accurate copy of a public record in accordance with a retention schedule authorized under the law without regard to the technology or medium used to create or communicate the record.
- A public record includes writing containing information relating to the conduct of the public's business, including but not limited to court records, mortgages, etc. used or retained by a public body regardless of physical form or characteristics. ORS 192.410(4)

Oregon's Public Records Law Overview

- Retention Schedules
 - General Records Retention Schedule for state agencies
 - Oregon Administrative Rule Chapter 166 Division 300
 - Lists records that all state agencies have in a general sense
 - Retention periods for how long to retain a record before destroying
 - Agencies shall destroy records that have reached retention length generally unless there are litigation holds or other provisions that prevent the destruction of a record.
 - Agency Specific Schedule
 - Lists records that are specific to an agencies business records
 - Approved by State Archivist

Oregon's Public Records Law Overview

- How does the SOS determine a retention?
 - Administrative needs
 - Fiscal needs
 - Legal needs
 - Historical value
- Retention Schedules give legal authorization to destroy public records

Oregon's Public Records Law Overview

- Types of public records:
 - Emails
 - Meeting minutes
 - Calendars and scheduling records
 - Audio recordings
 - Photographs
 - Correspondence
 - Instant messages & social media posts
 - Voicemails if your voicemails are sent to your email like a transcription
 - Fiscal and IT records

Oregon's Public Records Law Overview

- Basics to remember:
 - If it is writing it should be treated as a public record
 - If it is an audio recording it should be treated as a public record
 - Except voicemail unless transcribed to email
 - If it is a video recording it should be treated as a public record
 - Instant message – easy to forget it is a public record also
 - If you are not sure, error on the side of caution and assume it is a public record
 - Don't be afraid to ask

Please send questions to Anne and
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