KATE BROWN
Governor

June 20, 2019

The Honorable Peter Courtney
President of the Senate
S-201 State Capitol
Salem, OR 97301

The Honorable Tina Kotek
Speaker of the House
H-269 State Capitol
Salem, OR 97301

Re: House Bill 2016

Dear President Courtney and Speaker Kotek:

I am pleased to sign House Bill 2016, which makes various changes to Oregon's Public Employee Collective Bargaining Act ("PECBA"). I write this letter for two reasons.

First, House Bill 2016 was originally intended to include protections against the bulk release of public employees' personally identifiable information sought in public records requests. These protections fell away from the bill when it became clear that stakeholders were not going to reach an agreement this session on how to protect privacy while remaining transparent and accountable, and the bill contained other important policies that required the Legislature's immediate attention. Even though these privacy concerns did not make the final bill I sign today, I recognize them as both significant and timely. I believe that members of the public, including public employees, should be able to have contact with the government without concern that their personal private information will be disclosed in bulk to media outlets, political advocacy organizations, or private businesses.

Therefore, I respectfully request that the Sunshine Committee report to the Legislature in December of 2019 its recommendations for potential public records legislation to be introduced in the 2020 Legislative Session related to requests of bulk data containing personally identifiable information collected by public bodies. The Oregon Sunshine Committee, established during the 2017 Legislative Session by House Bill 2101, has already done crucial work on personal privacy exemptions that currently exist in the Public Records Law. In addition, it recently convened a subcommittee to discuss problems specific to bulk data requests, including privacy considerations. Based on the Sunshine Committee's thoughtful work to date, I anticipate that its recommendation will strike a balance between the important and sometimes divergent principles of privacy and transparency.

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Second, I write this letter to clarify my intent on a particular aspect of the bill. Sections 3 and 4 of House Bill 2016 allow public employers to grant designated representatives reasonable paid time and release time. Various provisions of the bill evince a legislative intent that the grant of reasonable paid time or release time pursuant to those sections does not constitute a violation of ORS 243.670 or ORS 243.672(1)(b). The Legislature clearly intended as much when it passed House Bill 2016 and, in signing the bill, I so intend as well.

Sincerely,

Governor Kate Brown

KB:smg