

January PRAC meeting-20260129_123050-Meeting Recording

January 29, 2026, 8:30PM

58m 56s

● **ALBERT Todd * PRA** started transcription

SM **Shasta Kearns Moore** 0:04

Your patience with me as I work through the agenda and I'll try to get us out of here on time.

So this is the.

Annual meeting of the Public Records Advisory Committee for January 29th.

Do I need to do anything special to like open it?

AP **ALBERT Todd * PRA** 0:26

No, and just just a point of order. It's a.

It's a regular meeting, not an annual one.

SM **Shasta Kearns Moore** 0:30

Oh, OK.

Got it.

See, I already messed up, OK?

So first on our agenda is to approve the agenda.

It has been up on the website and properly noticed, but I'll just put it in chat here.

So folks can take a look.

And have it easily accessible.

And I will entertain a motion to approve the agenda.

SS **Scott Stauffer** 0:59

I move to approve the agenda.

SM **Shasta Kearns Moore** 1:01

Great motion by Scott. Second. Second by Will Basson.

AP **ALBERT Todd * PRA** 1:04
2nd.

SM **Shasta Kearns Moore** 1:07
All in favor? Aye.

SS **Scott Stauffer** 1:09
Hi.

 **CLARK Stephanie * SOS** 1:09
Hi.

SM **Shasta Kearns Moore** 1:11
Any opposed?

All right. So first on the agenda is to review and vote on adopting the 2025 Public Records Survey findings and recommendation report.

I will also put that in the chat, so this is a report that we've been working on that grew out of the work of the survey that we conducted last year.

And we created a public Records Advisory subcommittee.

To work on the recommendation to come out of all the information that we gleaned from all of the agencies that were able to respond to that report.

There is.

And there is.

Public comment, I was pleased to see that we had some engagement from the public and that that person is here today as well.

I know that we normally kind of.

Hold comment for the end of the meeting, but I'm I would be willing to do like a subject by subject.

Thing is that feel OK?

So I think I think first first we'll have kind of a Council discussion. If anybody had a chance to take a look.

Add it or the members of the subcommittee who are present.

And just kind of talk it through, I can.

Yeah. Does anybody have any comments on this report?

SS **Scott Stauffer** 3:03

Not having been a subcommittee member, but looking over the the way the findings and recommendations were structured, I really appreciate it.

It's very reasonable and I just want to say good work to that subcommittee and to you, Shasta, for leading that.

Lots to take away, but I appreciate the format of the report.

SM **Shasta Kearns Moore** 3:23

OK.

Thank you.

Todd.

AP **ALBERT Todd * PRA** 3:33

I just wanted to say that I I think a lot of the findings were unsurprising, but it's helpful to collect them in one place as a snapshot in time.

Of what people deal with.

Public records issues are currently facing.

I know we first need to adopt it as a Council if we're going to, but I do think it really behooves us to take these recommendations and observations into account when coming up with things like legislative concepts or even best practices, white papers or anything along those lines.

Because this is.

Pretty much where things are at at the moment.

And and it does a great job of summarizing them.

SM **Shasta Kearns Moore** 4:09

Yeah, I did want to mention that as a limitation of the survey in some respects is that it is a a survey of public records.

You know, recorders and agencies.

So even though we cast a very wide net and there are a lot of responses, and I was very pleased with the level of engagement that we got and the you know the the survey was quite robust that I think that.

You know, it is also a little one sided because it is only from, you know, the agency's perspective. And so some of the recommendations that people might see are, you

know, recommendations for the agency to do things differently. And so necessarily the summary will capture that.

And so yeah, but I feel like we did a really good job in the subcommittee to to kind of balance everyone's needs.

And yeah, I think I'm pretty pleased with the final result, April.

AE April Ehrlich 5:15

Yeah, I was actually gonna ask if.

If we were thinking about doing a survey of people who request public records, or maybe a survey of news agencies.

Or a similar their insight into what it's like being a requester.

SM Shasta Kearns Moore 5:34

Yeah, I think it's a great idea.

I think we'd have to discuss as a Council what our bandwidth is. You know, one of the reasons why we did this survey is because that's literally what it says in statute, is that this is what, you know, this Council is set up to do is to serve.

Government agencies and find out, you know, patterns and best practices.

So yeah, that's why we did it.

Right. Unless there's anything else from the rest of the Council members, I'll open it up to public comment.

I think I'll call on Mark 1st and he's a member of the Council.

ML Mark Landauer 6:21

OK.

Thank you, Shasta, and I want to thank everybody who worked on the Subcommittee for this report. I think there's a lot of really good work in there, and I'm glad that we've been able to memorialize it just in the future. And I realize we're sort of on time.

Crunches here because our Council doesn't meet on.

Frequently, shall we say, one of the things that I would have appreciated before having to vote on.

The entirety of the recommendations was to frankly have some more discussion about it, but in reviewing the report and the recommendations.

I'll probably be comfortable in supporting its adoption, but I I would say in the future

that it would be helpful just to be able to give a little bit more time for people to absorb this type of information.

There is a lot of information in it and be able to delve in a little bit more into the details as to why the committee made these recommendations. I I say that simply because, for example, and I'll just use an example for the bylaws, we would always give.

A full committee.

Sort of.

Report before we would ask for any action on on these type of documents. So my only request is if it's possible.

In the future, to have a discussion regarding these issues.

Prior to adopting them on the same day may be something that we want to consider.

That's really all I had to say, Shasta.

I really appreciate the hard work that you and the team put into this, and that was really my only general comment.

Thank you.

SM **Shasta Kearns Moore** 8:13

Thank you.

All right, Joe Parker.

I think you have to unmute, Todd.

AP **ALBERT Todd * PRA** 8:26

Yeah.

I'm trying and for some reason I don't see a a way to unmute her.

Hold on, Joe.

SM **Shasta Kearns Moore** 8:34

Oh.

AP **ALBERT Todd * PRA** 8:38

Anyone knows what button I should be pressing? I might be missing.

Hmm.

It's unfortunate that allows me to meet people and not unmute them.



DUKE Bryanna * DAS 8:58

Todd, as the meeting organizer, you might have to go into the meeting details.

It's probably something selected.

About but, but usually as the organizer, you're able to unmute. So I'm not confused why you don't have that ability.



ALBERT Todd * PRA 9:08

OK.

Same I do see something saying mute notifications.



DUKE Bryanna * DAS 9:19

Yeah.



ALBERT Todd * PRA 9:19

Give me a second.

I'll take a look at those.

Except it didn't open anything, OK?

OK.

Unfortunately, I'm not seeing.

The ability to unmute, Joe.

Which is weird because it should be there.

Joe, I'm terribly sorry, but you may need to exit and call back and then I won't mute you when you join the meeting.

So not seeing another way to fix it right now.

I'm muted.



Shasta Kearns Moore 10:16

No.



ALBERT Todd * PRA 10:17

Oh, OK.



April Ehrlich 10:18

Joe is muted for me at least.
Is that what we're trying to do?

AP **ALBERT Todd * PRA** 10:21

Yeah, she is still muted.
I'm trying to unmute her and for some reason that option isn't available.

AE **April Ehrlich** 10:25

Oh.

AP **ALBERT Todd * PRA** 10:27

So I asked her to call back in, which she's looks like she's about to do.

SM **Shasta Kearns Moore** 10:51

Do we want to put a pin in the vote?
For a later time in the meeting, we can move on in the agenda.
I'll give that a go.

SS **Scott Stauffer** 11:05

Maybe if she doesn't pop back up in 10 seconds, we can do that.

SM **Shasta Kearns Moore** 11:08

OK.
Her comments are also on the website and I was able to review them.
OK.
I'm just going to move on and we can circle back.
So next steps for public record survey data.
I was trying to remember what we were talking about with that agenda item.
So I think it was just about like, how often do we want to do this, right?
Is it an annual survey?
A biannual survey, you know? And then we can have, you know, graphs and data that
kind of continue on on the same questions.
Nope, Don.

AP **ALBERT Todd * PRA** 12:05

Yeah, two things. But one, I think Joe is back and also my idea is I really I wanted, I was hoping to have a discussion about what we want to do with the survey data that we now have.

SM **Shasta Kearns Moore** 12:08
OK.

AP **ALBERT Todd * PRA** 12:15

Like I know bandwidth is an issue for all of us and I think even just creating the survey and making it available like we have will allow others to use this information for their, you know, for their own thoughts on the public records.

Lots. Our previous survey was cited for years by individuals interested in updating or changing the law.

I'm just wondering is there anything else we want to do?

For instance, I'm in favor of a legislative subcommittee that would explore potential new concept for next year, and I would just recommend that if we do go down that road, we utilize the the survey results as a starting point as well as our prior bill.

SM **Shasta Kearns Moore** 12:51
Great. Thank you.
Scott.

SS **Scott Stauffer** 12:56

Real quick, I was just gonna echo that.

My suggestion for Todd is for the count, besides making it available using it, the legislative subcommittee and any other future conversations we have, using this as a basis for drafting legislation. So echoing top.

SM **Shasta Kearns Moore** 13:12
Yep. All right. Thank you.

Looks like Joe Barker is with us now and unmuted so.

JB **Jo Barker** 13:21

Can you all hear me?

SM **Shasta Kearns Moore** 13:22

Yes.

JB **Jo Barker** 13:24

First of all I want to say thank you for allowing me to comment.

I do appreciate the amount of data that was went through creating.

The report.

When I read things like this, it's over coffee first thing in the morning, so I'm not actually.

Clearing, so to speak, and if something hits me wrong, it's like I gotta type it.

Thank you, April for.

Pushing the envelope.

For public survey and their responses.

I myself would see a little bit different organizational structure for the data itself.

You know, basically policy. Then you know, practice some of the items could be shifted around. But you know, I've not been intimately involved in all the discussions.

So that's just my take on the matter.

And I I do agree with Mark Landon, that there should be public. There should be comment or discussion.

Prior to approval of a document like this.

And that's basically all I wanted to say. So thank you.

SM **Shasta Kearns Moore** 14:49

OK.

Thank you.

Appreciate it.

Did I see rip Anderson's hand? Go up.

TA **Tom Andersen** 14:58

Yeah, you did.

Or at least I was trying to.

I was just gonna say I know I'm a non voting member, but somehow a legislative subcommittee sounds like something that I might be happy to be on, even though I have no votes.

SM **Shasta Kearns Moore** 15:12

That sounds fabulous.

We would love to have you on there.

All right.

Well, then I guess we're at the part of the agenda where I would entertain a motion to approve the report.

SS **Scott Stauffer** 15:30

I'll move to approve the report.

SM **Shasta Kearns Moore** 15:32

I have a motion from Scott.

Do I have a second?

AE **April Ehrlich** 15:38

I'm voting now, right? I can second.

SM **Shasta Kearns Moore** 15:41

Yep. OK. Motion from Scott and 2nd by April.

AE **April Ehrlich** 15:41

All right, I 2nd.

SM **Shasta Kearns Moore** 15:46

All in favor, please raise your hand.

Great. Any opposed?

All right. It passes with unanimous approval.

So if we can send that out, put it on the website, that would be fantastic. And then?

Hopefully we can grow on or build on that work with our next item which is discussing restarting the legislative subcommittee so.

Who wants to be on that committee?

We've already got Rep.

Anderson there. So that's fantastic.

On April.

Mark.

And I think I would also like to be on there.

SS **Scott Stauffer** 16:38

I'll. I'll jump on there too.

SM **Shasta Kearns Moore** 16:40

OK, great. And Scott, OK.

JB **Jo Barker** 16:42

Yeah.

SM **Shasta Kearns Moore** 16:42

Did anybody write that down?

Hopefully Todd did. Yes, great. OK, wonderful.

Who would like to chair that committee?

Not it.

SS **Scott Stauffer** 16:55

No. OK.

SM **Shasta Kearns Moore** 17:01

April, you made a motion with your hand.

AE **April Ehrlich** 17:05

I've never.

I have no idea what it would entail.

I would need a lot of guidance.

I don't mind helping organize people, but people would have to help me figure out what the yeah.

SM **Shasta Kearns Moore** 17:13

I think that's pretty much it.

You just kind of the leader on like, when are we meeting and that kind of the thing?

AE April Ehrlich 17:19

All right. I would love guidance though. So if I'm not doing something.

AP ALBERT Todd * PRA 17:19

I I.

I'd I'd be happy to help April and and then you know, we work together to plan the agenda, get everything.

AE April Ehrlich 17:23

What?

AP ALBERT Todd * PRA 17:27

And then I post everything.

So I'm.

More than happy to assist.

AE April Ehrlich 17:31

OK, cool.

That's fine with me.

SM Shasta Kearns Moore 17:35

Wonderful.

All right. So we'll move on to item number four. The public record advocates, mediation and training report.

AP ALBERT Todd * PRA 17:49

Sorry, just making my notes OK, I will share my screen and make this quick since it's just the start of the year. We don't have a lot to report as of yet.

Window.

Alrighty, you should be seeing my slides.

And just a reminder, especially for our new members, the way it works is the Council has asked the public records advocate in this case me at the moment, to provide, at least during our required meeting.

So at least twice a year, updates on the amount of requests for assistance requests

for assistance, or RF as we call them that we've been offering, which of course are our mediated public records disputes as well as trainings to core duties of our statute. And so let's just jump in.

I just wanted you to see our numbers where we're at.

So we had our annual meeting before the close of last year. It was December, but we actually added several more RFA's since that meeting through the end of December. So we closed out 2025 at 385 individual requests for assistance and of course those come in either from.

The requester community, both members of the public and the media.

Or public bodies at the state and local level.

And sometimes we'll get calls from both sides to a disputed public records request. But we just count that as one and note it under whomever contacted us first. But as you can see, oh, I I cut out 2019.

Sorry about that.

I didn't realize I did that till just now.

Well, 20/19 was our first full year of tracking data.

The numbers were similar and but slightly lower.

Than yeah, very similar 2020.

Which represented a bit of a bottoming out of our numbers because of COVID.

But you can see we've continued to steadily grow ever since.

And we did 385 total individual requests for assistance last year and just in this month alone since January 1st. And as of yesterday the 28th, we are at 40 and as of this moment, we're at 42 individual requests for assistance just since.

1st So if the numbers continue, there's a good chance we'll exceed even last year's high watermark.

These are the categories of information we collect.

It is slightly condensed versus what we used to do and that is due in part to one we're using a new system.

We have transitioned from my very sophisticated Excel spreadsheet to the very sophisticated Google forms platform, which is free.

It's widely used and well supported, and because none of the data we put into the form is confidential, I don't have any concerns about using such.

You know such an open system for collecting this information.

And it does create handy dandy charts that are useful to see how we're doing.

And so this is the information we're tracking at this point.

And amongst those 40 requests for assistance, we've received so far this year, 10 have actually come from state and local government.

Four have come from the media and I've broken down who those requests for assistance were with which public body.

And 26 from the general public, broken down as well amongst the public bodies with from whom they're seeking assistance, we've managed to close thirty of them already, and we've managed to close all 30 within seven days, which is the key performance measure that our office is working.

To meet, we're trying to close the majority of requests for assistance in 2026 within seven days and so nearly one month in, we are on track and we also currently have 10 requests for assistance open and being done, including one or two that are approaching the.

30 day marker that we used to close them simply for administrative ease. Of course if that requester, whether it's a public body or.

Rather, a requester or a public body ever reaches back out and wants to continue working on an RFA.

Of course, we'll continue assisting them.

We would consider it a new RFA.

And finally trainings.

We've had one training so far that I provided, so the state of Oregon, the executive branch has started this group of small agency boards and commissions.

Just trying to provide general information and guidance about state operations, reports due, etc.

Our office is part of this group and so I recently provided a public records training to them. This week we had about 45 people in attendance.

I will be training Secretary of State Public Records staff on February 10th down in Salem and we are currently in conversation with the University of Oregon to present at their Public records roundtable that we've been, gosh, we've been doing that since probably as early as 2019, so.

We usually present at least once a year to their roundtable.

So just let me know if you have any questions or want me to go back to any of the slides.

OK.



Yeah. Thank you for that.

So it sounds like you're, you know, request just keep going up, up, up, up, up.

AP **ALBERT Todd * PRA** 23:09

Yes.

SM **Shasta Kearns Moore** 23:10

I really.

I really appreciated how you kind of broke out the requesters and also the agencies that they're requesting from.

I think that's really helpful information as we kind of continue to try to identify inefficiencies and inconsistencies in the application of public records law and knowing, you know, are we getting like a lot of requests for assistance from a specific?

Agency or specific jurisdiction and kind of identifying where those trouble spots are would be great.

AP **ALBERT Todd * PRA** 23:44

Yeah, I just wanna say one more thing about that because since the Google forms are new and this meeting came up kind of quickly, I'm actually breaking down who are getting the RFA's from in a more granular detail than I've even presented here, but I have to.

Figure out how to like, easily collate that and present it in. You know, in a in a slide in a teams meeting. Cause like for instance you know request someone seeking an RFA or the record custodian that we get contacted about could be a city, it could be.

The city's or the city's Police Department.

Department. It could be the county.

It could be the county's elected sheriff.

It could be the county District Attorney, but right now that first category, we're still, I still just call city. And the second, I still just call county. But within the data were tracking starting January 1st. I am breaking it down into even that more specific detail and I.

Going to figure out how to present that to this Council as we move forward.

The more detail to come.

SM **Shasta Kearns Moore** 24:37

OK, great.

OK.

Any other comments?

OK.

So now I might need to figure out a process. I think if we're gonna vote on something, then I can offer a public comment.

Are we voting on this?

It's just a report, yeah.

AP **ALBERT Todd * PRA** 24:58

Oh yeah, this is just a regular report, no voting needed.

SM **Shasta Kearns Moore** 25:01

OK. Then I think I'll hold comments from the public till at the end.

Our next discussion is going to be on AI and public records, so this is something that I identified back.

In November.

I actually attended a conference in September I believe.

Where I heard a wonderful presentation from somebody who might be here today, so.

So. Umm.

Oh, Scott.

SS **Scott Stauffer** 25:37

Thank you, shath.

I just.

I have to apologize to the Council.

I have to hop off.

SM **Shasta Kearns Moore** 25:40

Yes.

SS **Scott Stauffer** 25:41

I'm in the middle of interviews for a position here, but good to see everybody.
Thank you so much.
Good job leading your the meeting chasta and then I'll see you all the next meeting.

SM **Shasta Kearns Moore** 25:51

All right.

Thanks Scott.

Yes. So Adam Marshall is here today, so I'm hoping that he'll be willing to kind of summarize his research on what he's found as far as how agencies are using AI and how requesters are using AI. And this is really just intended to be kind of an an. Open discussion where we just kind of start thinking about this concept because the future is now.

I think it is.

It is coming faster than any of us.

Really understand so.

Yes, Mr. Marshall, if you're able to hop off mute.

AM **Adam Marshall (he/him) (RCFP)** 26:26

Hey, can you hear me?

SM **Shasta Kearns Moore** 26:30

Where there's a lot of background noise.

It's very patchy.

He might be hopping off to come back on.

So.

I yeah.

So he's he's probably trying to re log back in.

Yeah, I mean, I know that. I've heard from folks who are using chat TPT to make public records requests.

So, you know kind of using like you know this language model to come up with the right way to phrase the documents that you would like.

Like, of course, you know the kind of pitfalls with that are that you're could be introducing errors, you know, making legal citations that don't actually exist in reality.

And then what I thought was particularly fascinating about that Adam Marshall's presentation is how much agencies are actually using AI to fulfill requests.

And that can even be, you know, using body Cam footage.

And then using that body Cam footage to create the the police report that then goes as a as a written document.

So kind of the pros and cons of that of also you know efficiency but the potential for the introduction of errors that are being put into a legal document.

So I'm just curious if any members of the Council have used AI in the public record space and any thoughts you have on it?

AE April Ehrlich 28:33

So are you saying people are or agencies are creating public records?

'Cause. That's what it sounds like.

Like they're they're using AI to review tape to create a police report to fulfill a records request.

SM Shasta Kearns Moore 28:48

Yeah, that was a that was a use case that, yeah.

AE April Ehrlich 28:48

Because that's not. That's not really.

Yeah, that's not really.

You're creating a record there, and that's not really what public records laws for it.

You're not supposed to create records.

People are just requesting records.

That already exist?

SM Shasta Kearns Moore 29:06

Yeah. I mean, I think it's like you have to create a police report when you have a police incident.

AE April Ehrlich 29:06

So it seems like that would.

SM Shasta Kearns Moore 29:11

So instead of the police officers sitting there typing it, it's using generative AI from the video, and then the police officer is supposed to review it for accuracy.

AM **Adam Marshall (he/him) (RCFP)** 29:23

Hi, can you hear me?

SM **Shasta Kearns Moore** 29:25

Oh, there he is.

Yes, he can explain it better.

AM **Adam Marshall (he/him) (RCFP)** 29:27

I'm so sorry.

I I tried to to come off and the technologist didn't work.

I'm so sorry.

My name is Adam Marshall.

I am the director of national litigation here at the Reporters Committee for Freedom of the Press.

I think Shasta saw my presentation as she mentioned.

Earlier this year on AIM Public records.

Happy to give a brief overview of that and then I can take any questions or thoughts that you might have.

Kind of five categories.

Series of instances in which I think AI is going to touch on the public records process in the starting in the near future if it's not already here. The first category is in government agencies creating new public records using AI.

So we already see this pretty extensively at the federal level.

Lots of different federal agencies are using AI to either generate new information or or interact with existing information to create AI assisted summaries or or whatnot.

State and local government entities are also starting to use AIA lot.

I know California agencies, for example, are using it to assist.

In reducing traffic jams to provide tax guidance to the public and shasa, maybe this is what you were saying before I jumped in and interrupted you.

But a lot of law enforcement entities are also using this program called Draft 1 to generate police reports directly from body Cam videos.

So I think this, you know, raises a question under state public records laws, including your alls in in Oregon.

You know about what is the status of those AI generated records?

I have to think under most, if not all, state definitions.

Of what is a public record that AI generated records would fall within the gamut of of what is a public record writ large.

So agencies should be thinking not only about how they're going to comply with records requests for information generated by AI tools, but also any associated.

A record retention schedules or or record preservation obligations that they might have under state law to make sure that those AI generated records are being stored and are and are accessible in response to to public records requests.

The second category of.

Actions where AI might come in is in the public wanting to use AI to draft public records.

Requests. I don't know if you all have seen any of this coming your way already. Unfortunately, I think that a lot of the kind of default write me a public records request.

Into, you know, certain chat based AI systems don't tend to produce very good requests.

The requests tend to be over broad and they often come out along the lines of saying I want anything related in any possible way.

Two topic X or or subject Y and I don't think that that's a great result because it doesn't help the requester kind of focus on what they're really interested in, and it doesn't help the the government agencies because you're like, well now I have to figure out what.

Is everything related to this other other thing?

So you know, when I do training around this, you know, I always tell members of the news media who is, you know.

My particular constituency, you know, not to submit record requests for any and all records related to X or Y and that holds true whether you're writing it yourself or or you know, using using AI to help you draft a reference request. Where I do think that AI can.

Be really helpful for requesters in the process of writing to the government, is helping them, helping connect the language a little bit between.

Government specific terminology.

And layperson terminology.

So for example, within the government, there might be a particular way of describing something or or talking about something or there might be a form that a particular

agency uses, or there might be a a process that the agency uses and that form or process or whatever it.

Is might be exactly what the requester wants, but they don't know the kind of like insider baseball terminology used by the government, and I do think what AI can do.

Who is help translate?

Sometimes a a kind of more common parlance request into something that is more specific and so agencies can help requesters in that vein by making available, you know, taxonomies or or catalogs or descriptors of different information systems and different record retention schedules. And that type of thing. So.

That requesters can.

And I've already started doing this in in some of my work requests can start building. Essentially, AI tools to help them better describe records, and I think that that is a really fruitful area for for AI and public records.

I also want to talk about.

The sort of #3 on my list is the government and government agencies using AI to respond to records request. So at the federal level, we've seen so far around 18 to 19% of federal agencies.

Say that they are already using AI for machine learning and responding to records requests.

In most instances, agents are using that to index or catalog or organize records.

When they are searching for responsive records.

So it's not like the agencies, just like, hey, you know, AI bot go respond to this records request.

It's that they're using AI for machine learning, which are sometimes related.

To try to find responsive records for the the requester. Some agencies are starting to use pilot programs to try to use AI in reviewing responsive records for either redactions or at the federal level for declassification of of classified records.

The State Department has a pilot program.

That they train to declassify old historical State department cables.

And other information. And they found that it would.

That was very successful and and reduce the burden on the government quite a bit, but it was it was just a a pilot program.

I have to say that you know from the requesters side and and you know as a as a requester lawyer on many occasions I have thoughts, concerns about agencies relying too much on AI in the response.

Process especially.

When it comes to determining whether exemptions are properly applied or not, there I mean this is a gonna be a very specific area of the law when it comes to, you know, different States and different types of exemptions.

But I do think that it's important that there is a human making the call ultimately on a lot of these things, especially when there's like a public interest balancing test.

And at the federal level, foreseeable harm.

But I know that that doesn't sound a feature of of urolog.

The 4th area finally is requesters using AI on the on. Once they've received public records to help understand them, and and maybe summarize them and figure out what's going on.

One thing that AI does seem to be pretty good at in in a lot of instances is summarizing long documents and and focusing in on on what people are interested in.

So, you know, I think that's interesting.

I don't think there's a whole lot to say about that.

But then finally.

Area 5 that I wanted to cover was the user potential use of AI in adjudications over public records disputes, either at the administrative level or at the judicial level.

Obviously there are lots of emerging rules and ethics restrictions and all kinds of things when it comes to using AI in the courts.

But I wanted to to flag for you all that there is.

A some guidance out of the open records, the office of Open Records in Pennsylvania.

It seems like they have been having some.

Submissions from.

Requesters using generative AI in in one way or another to make.

Arguments about about their public records.

Disputes and the office there have said, has said don't use that.

You can't use AI generated content without independently verifying.

The accuracy of everything that you're submitting. If you do that, that might submit you to sanctions or subject you to sanctions rather.

And so there's lots of ongoing debate in that area, but that's kind of the the last, the 5th, the the 5th dimension of what I wanted to talk about, so.

SM Shasta Kearns Moore 38:58

Wonderful. I really appreciate you summarizing all that very efficiently and you know, so I think it just kind of shows how.

This is this is something that all of us on the Council, I think, need to be thinking about and planning for even I don't have any like, specific recommendations or anything, but I just kind of wanted to open up the the discussion and see if anybody else is.

Is using AI or?

Thinking about how this can both be a pro and you know being more efficient, but also being mindful of any safeguards that we need to put in place for some of those cons.

April.

AE April Ehrlich 39:43

I wanted to hear a little bit about people requesting an official's use of AI, like I haven't done that before, but I've seen reporting on it like how.

Available is that to reporters to say I want, you know, the mayor's use of ChatGPT from the last week. Is that something that is requestable across the board or what are you seeing?

AM Adam Marshall (he/him) (RCFP) 40:10

Sorry, is that is that directed to me or or other people?

AE April Ehrlich 40:13

It's directed at you.

I'm curious to know what you're seeing because it sounds like you have like a national perspective on this.

AM Adam Marshall (he/him) (RCFP) 40:14

OK.

Yeah.

I I have seen.

Some instances of of reporters asking for public officials use of of AI tools and platforms for sure.

Again, I mean, I think there are there are different like questions that you would have to like go through the analysis on right under you know any particular state law?

One is whatever is being done, a public record, right?

And you could break it down further like.

You could say are the inputs into a generative AI tool a public record because the public official is writing them right? And then is the receipt.

Never is is comes out of the system.

Is that a public record and and I think again under most state laws definitions, both of those are are probably going to be considered public records.

It may depend a little bit on the substance, like different state laws may say. Well, purely private information like.

You know, if a mayor is writing it in her in her AI tool, you know, as a diary, you know, maybe that doesn't count as a public record.

But if she's writing in it, you know, hey, you know, what should I do about this upcoming Council meeting? That because it relates to the the the conduct of public business that might count as a record.

So this is definitely something that is happening.

I think you know, like any new technology, there's a bit of a of a learning curve on on both the requester side and the government side to figure out.

How it's gonna be handled, but it is something that's happening.

SM **Shasta Kearns Moore** 41:54

Thank you.

I'll entertain one more question.

Is there any?

OK.

Thank you, Adam, for coming visiting us here in Oregon virtually and for all your expert information.

AM **Adam Marshall (he/him) (RCFP)** 42:13

Thanks for having me.

SM **Shasta Kearns Moore** 42:15

All right. Next on our agenda is a location for our April meeting.

So we had discussed previously that I would like to see four meetings a year.

We said January, April.

July maybe?

And then.

November, December. Kinda like November, early December.

But I also have heard interest on the Council for a physical location.

We have not met in person since.

It's COVID, I believe. So just kind of having like a maybe one annual meeting where we're all.

Looking at the whites of each other's eyes and, you know, really kind of all together as a Council, I think would be great.

So when we send out the, the doodle polls for the date and time. For that we didn't talk about specifically that it would be an in person meeting so.

And then I tasked Todd with kind of looking for locations for that meeting.

So hopefully has an update for us.

AP **ALBERT Todd * PRA** 43:18

Yes, I have good news on that front.

Well, thanks to Brianna for sending me to the right person at Dass, who then sent me to another right person at DAS as well as thanks.

No, she helped me with one thing. Then I needed help with a different location as well as thanks to DOJ, I now can confidently report that both the State Office building in Portland and DOJ's Office building in Portland have availability for us to meet in person there.

You know, with all the necessary requirements.

Including that we can allow in members of the public to attend our meeting in person as well as the ability to record and broadcast the meeting on teams and have people join us virtually, which is required.

So let's just call that a hybrid meeting option.

Both port and locations can support that, and then I've also been given access to a scheduling master to find available office space or conference room space in Salem that also meets those needs.

So as you mentioned, Shasta, the Doodle poll did not reflect the likelihood that this would be in person. And obviously I think the location will affect people's availability. But now I can say that in April.

Kind of depending on what day we want and where there should be space available in both Portland and Salem.

SM **Shasta Kearns Moore** 44:33
Awesome.

AP **ALBERT Todd * PRA** 44:34
And I didn't look anywhere else since this is just our first time meeting and those seem like the best locations.

SM **Shasta Kearns Moore** 44:41
OK.
Any comment on whether folks prefer Salem or Portland?

AP **ALBERT Todd * PRA** 44:51
Portland. But I'll go to Salem.

AE **April Ehrlich** 44:56
Salem. But I'm closer to Portland because I'm in Portland.

TA **Tom Andersen** 45:02
Salem. But I'll go to Portland.
I mean, I represent Salem, so I live in Salem.

SM **Shasta Kearns Moore** 45:12
OK.
Well, I would also prefer Portland 'cause. I'm up here, but I'm willing to go to Salem.

AP **ALBERT Todd * PRA** 45:27
May I suggest for consideration Portland this time?
Maybe Salem next time.

SM **Shasta Kearns Moore** 45:32
There we go, the compromise.
And you said you had two different locations in Portland.

AP **ALBERT Todd * PRA** 45:37

Yeah. And the reason I thought that's helpful is you know DOJ is in downtown Portland on 1st and the name of the Cross Street, but it's actually near The Oregonian like right off NATO. I'm not too far from City Hall. And then the Portland State Office buildings on the east side. I can look up the address, but so basically we have like either side of the.

ML **Mark Landauer** 45:58

I'll I'll tell you.

I'll tell you parking's probably easier on the east side, just as a matter of convenience. Having said that, I don't, you know, have a strong preference either way.

I could also offer up the international headquarters of the Special Districts Association of Oregon.

We do have an office in Tigard that would be able to accommodate.

Enough people and has all the bells and whistles for hybrid and etc. So up to you folks.

I don't have a strong preference, but I would say that the east side is a bit easier to park in than the West side downtown.

SM **Shasta Kearns Moore** 46:44

Thanks. Appreciate that.

Yeah, I would kinda move toward the east side as well because of the parking issue and the driving downtown.

I'm used to it now, but sometimes that can be a barrier for folks.

So yeah, so I guess kind of what we would have to do is kind of identify the location and then do a doodle poll for April again.

OK so.

AP **ALBERT Todd * PRA** 47:13

That makes sense. And we'll just also offered Multnomah County facility too, which is on the east side, but Park instincts.

SM **Shasta Kearns Moore** 47:19

East Hartford.

Yeah.

OK.

I have already forgotten what it is, but what was the one on the east side?

AP **ALBERT Todd * PRA** 47:30

Oh, the State office building.

I think it's literally called the State Office building.

SM **Shasta Kearns Moore** 47:32

State office building.

ML **Mark Landauer** 47:33

It's on north.

It's on NE Multnomah, I believe.

SM **Shasta Kearns Moore** 47:37

Kim.

WG **Will Glasson (Multnomah County)** 47:38

Is it in the Lloyd Center area?

ML **Mark Landauer** 47:38

Right near it's right near the Convention Center, couple blocks removed from the Convention Center further east.

WG **Will Glasson (Multnomah County)** 47:41

Yeah.

SM **Shasta Kearns Moore** 47:46

I know where that is.

OK.

Well, I'm. I would lean towards that option.

I really appreciate the offer for the Sdao office, but I think having a government building is probably good for our purposes.

Is there any objections?

Do we need a vote on that or?

OK.

Right. So we'll do another doodle poll to figure out the exact date and time of that. We were also talking about.

Maybe going a little longer, having like a 90 minute meeting or something so that we would have time to discuss kind of you know, bigger goals.

And and just do.

I think like an introductions.

I think there's some people on the Council who already know each other, but we have a lot of new faces and again, you know, it's been.

A lot of virtual interactions, so just kind of, you know, having giving people a little extra time to kind of introduce themselves and what brings them to this work would be great.

OK.

Now we have public comment.

Do you have any additional public comment?

Stephanie bolin.

SV **Stephanie Volin** 49:10

Can you hear me?

OK.

I.

I don't know if this is even appropriate for this meeting.

I've read the agenda and I saw public comments.

Here's my chance to tell you all about an article that is, I think, interest to you.

So is that OK to briefly. OK.

So I'm an independent legal writer and my work has been cited in the ABA Journal, the Lewis and Clark Review of Law, Law Review.

I've won a couple of public records suits and got.

Records unsealed. I got body Cam footage out of the city of Portland.

And I did all of that without an attorney.

Just FYI.

I wanted to tell you all about an article that's in this month's Oregon State Bar Bulletin that is about.

The unlawful ceiling of court records, which, as you know, are public records.

So I know that at least Todd is the lawyer.

I don't know if you saw that article yet or read have read it.

It's really well written.

It's written by a retired judge.

I recommend it because there's only a handful of cases over A5 year span, something like 22 cases that were unlawfully had at least one item sealed.

With no proper citation of law or any legal authority to do so.

And so this article, the judge, Judge Hargreaves, who is from, I don't remember a county he was from.

Was talking about.

How that happens, what the the law is clearer that you can't just seal stuff on when.

It enumerated some consequences. Possible consequences for unlawful, unconstitutional ceiling of court records.

So I highly recommend reading it even if you're not a lawyer, it's very readable.

I wanted to call your all attention to one of the cases.

As it is mentioned anonymously 'cause, there's no case numbers in this article.

There's two from Linn County and it's actually.

Two case numbers that are really one matter.

In that matter, the entire docket has been sealed, not just individual documents in it, but literally every filing and the register of actions.

So if you went to go look on the court case search record.

You wouldn't even be able to find the case numbers because they're hidden.

They're they're invisible from the public, and I know.

Again, I don't know who's the lawyer who's not a lawyer here, but even members of the media know that that's bonkers.

It's really unusual.

It's not legal.

Unconstitutional, blah blah blah.

All my attempts to unseal, or at least even have the docket made visible, have.

Just fallen on deaf ears.

The court is thinks that they have a judicial like a valid judicial order, when in reality that the order that I got to glimpse before the whole docket disappeared said nothing about, oh, the docket should be invisible.

Everything is sealed the the the protective order was really disposed to cover discovery and then suddenly everything disappeared.

I tried to go through the attorney general.
Appeal process and was told that I'd have to do a suit because it is technically contesting the decision of an elected official, which is also not accurate.
It's not an elected official. It's court staff that's sitting there not giving me the records.
So now I'm facing either having to file a costly intervention file, a costly public records suit against the elected official judge.
Or I've even debating like a petition for a writ of mandamus on this.
When really like if you read this article, the consequences for such an unlawful. Ceiling of records are pretty clear.
It's actually criminal to tamper with records.
That means Class A misdemeanor.
Who? Who cares?
I'm sure they're not going to go after judge for that, but.
Anyway, I just wanted to put that out there.
That it really just didn't be this part of the process just to get, you know, a get for staff to follow the law, you know.

SM **Shasta Kearns Moore** 53:46
Appreciate it.
Yeah.

SV **Stephanie Volin** 53:58
Comply with public request, etcetera.
So just I'm just putting everyone here, you know, on alert, but this is about to to escalate and if anyone wants to know any more information you know I know Todd at least knows my e-mail, so.

SM **Shasta Kearns Moore** 54:14
OK.
All right.

SV **Stephanie Volin** 54:15
That's that's.

SM **Shasta Kearns Moore** 54:15

Well, we really appreciate your sharing that experience with the Council.
In the interest of time, I'm gonna move on Representative Anderson.

TA **Tom Andersen** 54:26

Yeah, just very quickly, Judge Hargreaves, practice in Lane County and 40 years ago I used to appear in front of him.

I am a lawyer, but I'm retired.

But the judge and I, since I've been in the in the political arena, in the governmental, he and I, have had many, many conferences in person and on phone about the whole public records issue.

So I haven't read the article, but I'm this is a guy who is knowledgeable about the situation, so it might be a good thing to read.

SM **Shasta Kearns Moore** 54:54

Yeah, that's great.

And I did put the citation in the chat. If anybody wants to read it, it's page 32 of this month's edition of the Bar Bulletin.

Any other public comment?

Seeing none, we'll move on to the last agenda item, which is the next meeting date and agenda topics.

As we discussed earlier, we're gonna do a doodle poll of council members to figure out when our next in person meeting will be.

And Todd has the Portland State Office building at 800 NE Oregon St.

There in the chat, that's where it will be.

But we don't know when.

Exactly. Yet, if there are any agenda topics.

Please feel free to bring them up now.

Or e-mail me, Todd and Scott, the executive committee.

The legislative subcommittee will hopefully meet in the interim at least once.

Maybe so that they can let us know what they're working on and then.

I I somewhere have that that big old list of topics that I wanted to discuss.

As chair.

And hopefully we can bring another topic like we did on AI today to everybody to

just kind of get our get our brains working and thinking about you know, some of these stickier issues that we all face in the public record space.

Yeah, mark.

ML **Mark Landauer** 56:33

Sorry, Shasta. You know, one of one of the things that I.

Had always wanted to do and I think I failed miserably at during my reign. Is the king poobah of this illustrious council was getting having a cross fertilization with the Sunshine Committee.

That that is one thing that I think would would be beneficial for the Council as well as the Sunshine Committee.

And so I I just throw that out there as a possible uh future.

Topic as well for.

For the good of the order. Thank you.

SM **Shasta Kearns Moore** 57:13

Thank you.

I appreciate that.

Yeah, I did reach out to that committee twice over e-mail and never heard back.

So I was gonna go to one of their meetings that lined up with my schedule, but if anybody else wants to take on being a liaison to that committee, I would be more than happy to hand that.

ML **Mark Landauer** 57:31

Well, it just so happens that I am a member of the sunshine.

SM **Shasta Kearns Moore** 57:35

Oh, well, there you go.

Well, that's very useful.

So yeah, so if you can come to us and.

ML **Mark Landauer** 57:39

I'm a new member, but I happen to be a member on that as well. Until I do think that it would be probably good for us to get the chair and vice chair just to give us

perhaps an update on their work.

I mean they've they've been in existence as long as the PRAC has and.

SM **Shasta Kearns Moore** 58:01

Mm.

ML **Mark Landauer** 58:03

My at least my recollection, Todd can correct me if I'm wrong.

I don't think we've ever had.

Had a discussion between the two councils and I I think it would be nice to at least know what each other is up to.

That's really my only input at this point. Thank you.

SM **Shasta Kearns Moore** 58:22

Thanks.

Alright, well, we are right on time.

To dissolve this committee, I don't think we need to vote to adjourn.

Or do we?

AP **ALBERT Todd * PRA** 58:35

I think technically we do.

Am I wrong on that?

SM **Shasta Kearns Moore** 58:37

Well, the representative was shaking his head.

ML **Mark Landauer** 58:38

So moved.

SM **Shasta Kearns Moore** 58:39

All right. All in favor? Aye. All right.

AP **ALBERT Todd * PRA** 58:40

2nd.



CLARK Stephanie * SOS 58:43

Hi.



Shasta Kearns Moore 58:45

Have a great rainy day, everybody.



Mark Landauer 58:48

Thank you.



ALBERT Todd * PRA stopped transcription