

**Meeting Minutes**  
**Oregon Public Records Advisory Council**

Jan. 5, 2023

Called to order at 2 p.m.

Members present: Scott Stauffer, PK Runkles, Steve Suo, Shasta Kearns Moore, Andrea Chiapella, Todd Albert, Emily Harris

Member absent: Tony Hernandez, Mark Landauer, Emily Gothard, Michael Kron, Emily Harris, Kim Thatcher

I. Approve agenda.

- Public Records Advocate Todd Albert opened the meeting by announcing which members of the PRAC were present or running late. He polled members about how to proceed without a quorum as they wait for other members to arrive at the meeting.
- PRAC Member Stauffer said he would like to hear the information from guest while realizing the PRAC may not be able to vote.
  - Members Suo and Runkles Pearson said they agreed with Stauffer.
- Advocate Albert reviewed the agenda items. He said members cannot approve the existing agenda, and the PRAC Secretary Tony Hernandez had not yet submitted meeting minutes from the Nov. 18, 2022 meeting for approval. He Tyler Janzen was no longer with the Association of Oregon Counties and has departed from the PRAC as well. Former Representative and PRAC Member Karin Power, who represented members of the House of Representative, also departed from the PRAC because she is no longer a member of the legislature.
- The agenda was unanimously approved with modifications about 50 minutes into the meeting and after the arrival of other members bringing the PRAC to a quorum.

II. PRAC email addresses

- Mr. Zinck of the Oregon Department of Administrative Service's Information Technology team said they support about 20 agencies

and boards for IT needs, including the Office of Public Records advocate since the Spring of 2022.

- Advocate Albert said members who need email addresses will not be receiving devices. Members need to know how email would work for them in the future.
- Mr. Zinck said there's an option to use state-owned email addresses with their own computer by using a special key that can be plugged into a computer to access the state's email system. Members would be able to read and access PRAC-related materials.
- Advocate Albert asked Mr. Zinck why it's important for people doing State business to have state issued email address.
- Mr. Zinck said this team helps to comply with public records requests and generate material from public email accounts. There is increased liability if people have state materials on personal devices, which for example is why he does not store public materials on his personal devices.
- Member Suo asked for more details about how the special key would work while using a computer that he uses for his regular job.
- Mr. Zinck said the keys can fit into two types of computer ports. Once plugged into a computer, a person would visit the state's webpage to access email. After typing the login information, a person is asked for a PIN and then instructed to press a button on the key itself before getting access to email. A person can stay logged in for 24 hours before being asked to do the procedure again.
- After being asked by Member Suo for more details about the PIN, Mr. Zinck said security safeguards existed to protect the PIN from unauthorized use.
- Member Suo also asked if he would be allowed to download or save files from the state's email system onto his computer.
- Mr. Zinck said by doing so, Mr. Suo would open himself up to liability if he were to do save information on his personal desktop. Instead, Mr. Zinck explained Members could store or create documents using the state-owned Microsoft Office suite of digital tools that stores information on state-owned networking systems.
- Member Suo asked if members could check emails on personal mobile devices. Mr. Zinck said members would have to use a state-owned mobile device.

- Member Kearns Moore asked why a physical key is required instead of a two-factor verification system for logging into an email account.
- Mr. Zinck said the state could only proceed with options that required state-owned devices, such as the low-cost keys or more expensive state-issued cellphones.
  - Advocate Albert added that any cost for these devices would come out of his department's budget.
- Member Runkles asked to clarify if these keys would be used only by people who are not employed by the state. Advocate Albert confirmed.
- Member Chiapella asked if the PRAC email accounts would be merged with her existing state email account. Advocate Albert said the accounts that are being discussed would be given only to member who do not work for the State of Oregon.
- Member Kearns Moore spoke in support and asked how much do the keys cost. Each key costs DAS about \$50 plus the licensing fees to use Microsoft tools.
- Advocate Albert asked Mr. Zinck to confirm if the licensing cost would be a couple hundred dollars. Advocate Albert said PRAC members would have to keep those costs in mind. Mr. Zinck said the cost is closer to \$550 per year.
- Member Suo asked if using Microsoft Outlook instead of Microsoft 365 was an option. Mr. Zinck said it was not an option at the present moment.

### III. House Bill 2112

- Stephanie Clark, State Archivist, spoke about House Bill 2112 proposed by the Secretary of State's Office. She said the Tribal Cultural Items Task Force, which was created in 2017, helps define tribal cultural value. The Task Force is tasked with gathering information from state agencies about items that could be of value to tribal communities. The goal of the proposed legislation is add language to the existing values of the Oregon State Archives, in order to help the task force to achieve its purpose. A secondary aspect of the legislation also cleans up outdated language that is confusing to public records custodians.
- Member Stauffer spoke in support and thanked Archivist Clark. He said local governments have also tried to move forward on the issue.

- Member Suo echoed support for the legislation. He said retention schedules are often three-to-five years for records and asked how the legislation would address tribal items that are much older.
- Archivist Clark said usually those shorter retention schedules are administrative in nature. She said it seems that people seem to be more interested in items kept by natural resource agencies that deal with land, water and other natural resources. Those items tend to have longer retention periods.
- Member Kearns Moore asked for clarification to the fiscal language added by the Legislative Counsel to the proposal. Archivist Clark said the language would help auditors for tax purposes.

### III. Senate Bill 417 – PRAC’s cost reform bill

- Advocate Albert told PRAC members the bill’s language and core concepts have been retained by Legislative Counsel’s review of the proposal. The bill was filed by Senator Kim Thatcher, who is a member of the PRAC. With the departure of Rep. Karin Power from the PRAC, Representative Janelle Bynum has agreed to endorse the PRAC’s proposal in the House of Representatives. They are awaiting the bill’s assignment to a committee in the Legislature.
- Member Suo asked if the “relating to” clause in SB 417, which specifies the bill’s purpose is to address costs of public records, is subject to change during the legislative process. Cameron Miles, Government Accountability Attorney for Gov. Tina Kotek, said the “relating to” clause cannot change once it’s written into a Senate or House bill for consideration. However, anything after the semicolon of the “relating to” clause is subject to change, he said.
  - After a follow up question from Member Suo, Advocate Albert noted he would ask Sen. Thatcher if the proposal mentions the nonpartisan PRAC as the original source of the work.

### IV. Senate Bill 510. Funding for the Public Records Advocate.

- Advocate Albert said since the inception of the Office of Public Records Advocate, the budget had been held and administrated by the Department of Administrative Services. Now that the PRA office is independent, it has the ability to seek its own funding by the Legislature. After consulting with advisors from the administrative services department, a hybrid funding model calls for 75 percent of

the PRA budget to come from the budgets of state agencies, similar to how the DAS and the state Government Ethics Commission receive funding. The remaining 25 percent would come from the state's General Fund to provide the Legislature a way to weigh in on the work of the advocate's office and to let the Legislature's wishes and concerns be known about the advocate's work.

- Member Kearns Moore asked if there would be any requirements for reporting how the funding would be used or for reporting any specific outcomes in the legislation.
  - Advocate Albert said the office does need to formulate what it is requesting and why it needs assessments from agencies to support his work. In other words, he said, what are the programmatic and administrative duties that need to be funded.
  - Kearns Moore asked if the funding requirements mention any kind of projections for the number of people the agency will serve or any good the money will do.
  - Advocate Albert said the budget will be seeking two additional full-time positions to help handle a growing number of demand for the office's work. He said specific data, such as the number of trainings, contacts with members of the public, mediation services and other work that his office has done will be detailed in the biennial report he must compile for the PRAC and the Legislature every year.

#### V. Report on the Advocate's mediation and training update.

- Advocate Albert reported 101 requests for assistance from April 25, 2018 through December 31, 2018, which was the first year of the office. The office responded to 207 requests for assistance throughout all of 2022. Advocate Albert continued to expand on the 2022 data. His full presentation, which includes how many training events and where they were held, can be found on the PRAC website.
- Advocate Albert said beginning January 2023, he will begin tracking 10 categories of information to be as transparent as possible to help the public understand the PRA's office work.
- Member Suo asked if there were any trends that has been noticed during the past six months. Advocated Albert said requests for assistance largely focus on fees, exemptions, timetables and fee waivers. In particular, there seems to be large interest in the requests

for information related to elections, and the costs to provide the information to requesters.

- Member Kearns Moore asked if there was any general idea about the expected data from the 10 new categories. Advocate Albert said one of his goals for the new categories is to help track which requests relate to specific state laws and exemptions. For example, how many requests were focused on fee estimates, or the definition of a public record, or to identify the various privacy exemptions found in the Oregon Revised Statutes that relate to requests in dispute.
- Member Kearns Moore asked for more details about general requests for assistance that come from employees of state, local or other public bodies.
- Advocate Albert said some people are just trying to figure out the best way to charge fees, or when a fee estimate can or should be offered, or if an exemption is appropriate to be employed in denial of a records request.
- Member Suo said he wondered if public bodies—after issuing denials of for public records to a requestor—inform the requestor about their options to appeal, whether it is through the local district attorney, or the state Attorney General’s Office or through the mediation services offered by the Public Records Office.
- Advocate Albert said some public bodies have in their communications with requesters the ability to let them know you can appeal.
- Member Kearns Moore asked out of the 87 requests for assistance by the PRA office, how many people felt satisfied, or if the service improved the person’s trust in government.
- Advocate Albert said they don’t get a lot of follow-ups to specific situations.
- Member Kearns Moore asked if there were frequent agencies that seek assistance.
- Advocate Albert said, yes. There are frequent agencies and also requesters who seek services. Both sides often provide referrals to others seeking advice about public records requests.
- Member Kearns Moore clarified her question by asking if the PRA has the ability to track and identify problem agencies.
- Advocate Albert said it would be possible, but that it’s also important to identify underlying factors, such as a lack of resources

or problems with meeting deadlines. It's important to recognize which agencies work to improve their policies and outcomes.

- Member Suo asked if there was an opportunity to provide training as part of the Legislature's orientation of new members and their staff.
- Advocate Albert said during the creation of the office, the Legislature was specifically exempted from the PRA's services, but that he has been asked on occasion to speak before specific committees to report on the PRAC's biennial report. He said he's available and interested to help and welcomes the opportunity to do so.
- Cameron Miles, Government Accountability Attorney for Gov. Tina Kotek, said there was already mandatory public records training.

#### VI. Discussion regarding formulation of Council Administrative Rules and policies.

- Advocate Albert suggested to table the agenda item, as well as voting on how to proceed with the PRAC's email, for a meeting later this year that involves more members.

#### VII. Discussion regarding the future form of Council meetings – remain virtual or transition to in-person/hybrid option.

- Advocate Albert suggested to table the agenda item for a future meeting.

#### VIII. Next meeting date and topics.

- Member Steve Suo asked about drafting a one-page document that helps explain Senate Bill 417, proposed on behalf of the PRAC.
- Vice Chair Emily Harris proposed that the PRAC draft a one-pager and then to schedule a follow-up meeting in a couple of weeks so that the one-pager can be approved by the PRAC.
- The proposal was approved.
- Members Suo, Stauffer and Albert volunteered to complete the one-pager.
- Members settled on next meeting at 1 p.m. on January 23, 2023.

With no further business, the meeting adjourned around 3:30 p.m.