

A. PUBLIC RECORDS STATUTES

As noted in the Introduction and Glossary of Terms, your state likely recognizes a distinction between “public records,” which may include correspondence, office records, personnel records, etc., and “government publications,” which may be compiled as a means to disseminate government information of educational or public interest. This section addresses statutes that concern public records and, in particular, those that focus on record keeping requirements and retention. The compilation of statutes for your state may combine record keeping requirements with public access provisions or freedom of information laws. Those statutes are addressed in Sections B & C.

1. Does your state have “public records statutes,” as referred to in the paragraph above?

Yes
 No

a. If “Yes,” cite your state’s public records statutes and the administrative regulations that supplement them.

Or. Rev. Stat. § 192.001 to 550 (2001 through Reg Sess 71st Legis)
Or. Admin. R. 166-010-0000 *et seq.* (through 11/15/2001)

b. If “No,” skip this whole section.

Additional comments:

2. The public records statutes/regulations apply to which of the following branches?

Executive
 Legislative
 Judicial
 Administrative (applying to all agencies, no matter what branch of government)
 Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

Or Rev. Stat. § 192.001(1)(b) states that “(t)he interest and concern of citizens in public records recognizes no jurisdictional boundaries, and extends to such records wherever they may be found in Oregon.”

Additional comments:

3. Cite to public records statutes/regulations where “public record” is defined.

Or. Rev. Stat. § 192.005 (5)

Additional comments:

Or. Admin. R. 166-040-1025 through 166-500-0000 provides definitions of particular records, in addition to retention and destruction schedules, and disposition, protection and maintenance requirements.

4. Do the public records statutes/regulations address electronic records separately vis-à-vis print records?

Yes
 No

a. If "Yes," cite to and briefly discuss statutes/regulations addressing electronic records; how are they treated differently?

Or. Rev. Stat. § 192.243 says state agencies "shall make available on the Internet any report the...agency is required by law to publish."

Or. Admin. R. 166-017-0010 through 0080 addresses public record digital imaging issues, including definitions, methods for verification, indexing, storage, expungement, access and retention of digital documents.

Additional comments:

5. Do the public records statutes/regulations address retention of records?

Yes
 No

a. If "Yes," cite to and briefly summarize the retention provisions.

Or. Rev. Stat. § 192.105 allows the State Archivist to authorize retention or disposition of public records based on legal, administrative or research value.

Or. Admin. R. 166-017-0080(1) states that "(p)ublic records with a scheduled retention period of less than 100 years may be stored on optical disks" and recopied onto new disks after no more than 10 years "until the retention period of the original public records has been satisfied." Or. Admin. R. 166-017-0080(2) states that "(p)ublic records with a scheduled retention period of more than 100 years" may be stored on optical disk "provided that the original records are retained in hard copy or on microfilm for the entire scheduled retention period."

In addition, retention schedules are regulated for particular records defined in Or. Admin. R. 166-040-1025 through 166-500-0000, as noted in the additional comments of #3 above.

b. If "Yes," also cite to and discuss any provisions/regulations that address retention of electronic records; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Or. Admin. R. 166-020-0045 states that "(a)gencies must identify essential electronic records, regardless of medium or physical format, and store security copies off premises, along with system documentation."

Additional comments:

6. Do the public records statutes/regulations or other sources of law supplementing them (particularly a declaration of legislative intent or a relevant attorney general opinion) declare the public policy of the state and address the scope of citizens' access to public records or acknowledge the state's responsibility to permanently maintain public records?

Yes
 No

- a. If "Yes," cite to and provide relevant language.

Oregon has "a strong public policy favoring public access to government records." Papadopolous v. State Board of Higher Education, 8 Or. App. 445, 454, 494 P.2d 260, 265 (1972). Or. Rev. Stat. § 192.420(1) says that "(e)very person has a right to inspect any public record of a public body in this states, except as otherwise expressly provided by" statute. "Exceptions from disclosure are to be narrowly construed." Guard Publishing Co. v. Lane Co. School District 4J, 310 Or. 32, 37, 791 P.2d 854, 857 (1990).

Additional comments:

7. Is a public records administrator, a public records commission or other officer/government entity responsible for administering the public records statutes/regulations?

Yes
 No

- a. If "Yes," cite to applicable statutes/regulations and identify the responsible officer/government entity.

Or. Rev. Stat. § 192.015 states that the "Secretary of State is the public records administrator of this state, and it is the responsibility of the secretary to obtain and maintain uniformity in the application, operation and interpretation of the public records laws."

- b. If "Yes," also cite to and discuss any source of law requiring the responsible officer/government entity to permanently maintain government information; cite attorney general opinions, court decisions, and administrative rules or guidelines.

Or. Rev. Stat. § 357.835 allows the transfer of public records to the State Archivist when an agency is abolished, records are used for historical purposes and the when the Archivist requisitions the records for storage.

Or. Admin. R. 166-005-0000 states that "(i)t is the policy of the State of Oregon to assure the preservation of records essential to meet the needs of the state, its political subdivisions, and its citizens..."

Additional comments:

8. Has any public records legislation/administrative regulation been proposed calling for "permanent public access" to electronic public records?

Yes
 No

- a. If “Yes,” cite to and briefly discuss the legislation/proposed regulation; what was the outcome?
- b. If “Yes,” also cite to documents from the legislative or regulatory history.

Additional comments:

9. Has litigation under the public records statutes resulted from the state’s failure to “permanently” maintain a public record?

Yes
 No

- a. If “Yes,” cite to and briefly discuss each case.

Additional comments:

10. Discuss any unique circumstances in your state relevant to “permanent public access” of public records under public records statutes/regulations.

B. FREEDOM OF INFORMATION ACT

A state’s freedom of information act (or law) generally addresses public access to “public records.” As noted under Section A above, the compilation of statutes for your state may combine record keeping requirements and public access provisions.

1. Does your state have a “freedom of information act,” as referred to in the paragraph above?

Yes
 No

- a. If “Yes,” cite your state’s freedom of information act (or law) statutes and the administrative regulations that supplement them.
- b. If “No,” skip this whole section.

Additional comments:

Oregon does not have a FOIA per se, however, the public records laws and public meetings laws act together to meet or exceed FOIA requirements. Relevant public record laws are found in Or. Rev. Stat. § 192.420 (see #6a above). The public meeting law at Or. Rev. Stat. § 192.620 states that “(i)t is the intent of the (public meeting laws) that decisions of governing bodies be arrived at openly.” Governing body is defined in Or. Rev. Stat. § 192.610(3) as “two or more members, with the authority to make decisions for or recommendations to a public body on policy or administration.”

2. The freedom of information act statutes/regulations apply to which of the following branches?

- Executive
- Legislative
- Judicial
- Administrative (applying to all agencies, no matter what branch of government)
- Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

Additional comments:

3. Cite to freedom of information law statutes/regulations where “public record” is defined.

Additional comments:

4. Do the freedom of information act statutes/regulations address electronic records separately vis-à-vis print records?

- Yes
- No

a. If “Yes,” discuss whether the freedom of information act statutes/regulations had been amended at any time to cover electronic records; cite to and provide amending language.

b. If “Yes,” also cite to and briefly discuss statutes/regulations addressing electronic records; how are they treated differently?

Additional comments:

5. Do any freedom of information act statutes/regulations assure “permanent public access” of electronic public records?

- Yes
- No

a. If “Yes,” cite to and discuss any provisions/regulations that address “permanent public access”; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

6. Do the freedom of information act statutes/regulations or other sources of law supplementing them (particularly a declaration of legislative intent or a relevant attorney general opinion) declare the public policy of the state and address the scope of citizens’ access to public records or acknowledge the state’s responsibility to permanently maintain public records?

- Yes
- No

a. If “Yes,” cite to and provide relevant language.

Additional comments:

7. Has any freedom of information legislation/administrative regulation been proposed calling for “permanent public access” of electronic public records?

Yes
 No

- a. If “Yes,” cite to and briefly discuss the legislation/proposed regulation; what was the outcome?
b. If “Yes,” also cite to documents from the legislative or regulatory history.

Additional comments:

8. Has litigation under the freedom of information act resulted from the state’s failure to “permanently” maintain a public record?

Yes
 No

- a. If “Yes,” cite to and briefly discuss each case.

Additional comments:

9. Discuss any unique circumstances in your state relevant to “permanent public access” of public records under freedom of information act statutes/regulations.

C. PUBLIC ACCESS LAWS

The term “public access law” is intended to be a catchall for all other statutes that address the permanency and public accessibility of government information. The type of law appropriately falling under this section is most likely to be a statute that governs availability and access of *government publications*. An example of such a statute is the “Free Public Access to the Code of Maryland Regulations Act,” whose title alone explains much about its purpose.

1. Does your state have any “public access laws,” as referred to in the paragraph above?

Yes
 No

- a. If “Yes,” cite each of your state’s public access law statutes and the administrative regulations that supplement them.

Or. Rev. Stat. § 357-001, *et seq.*

Or. Admin. R. 543-070-0000

- b. If “No,” skip this whole section.

Additional comments:

2. For each public access law, specify the branches to which it applies.

- Executive
- Legislative
- Judicial
- Administrative (applying to all agencies, no matter what branch of government)
- Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

Or. Rev. Stat. § 357.001(5) specifies that the public has a right to access information of state agencies.

Additional comments:

3. For each public access law, cite to and discuss provisions/regulations addressing the particular form of government information addressed by the law.

Or. Rev. Stat. § 357.004(4)(a) defines “public document” as “informational matter produced for public distribution regardless of format, method of reproduction, the authority of or at the total or partial expense of any state agency. Public documents include informational matter produced on computer diskettes, CD-ROMs, computer tapes or other electronic storage medium.”

Or. Rev. Stat. § 357.004(b) states that public documents do not include “correspondence, forms, interoffice or intraoffice memoranda; legislative bills, calendars and interim committee reports” reports and publications of the Oregon appellate courts or tax court.

Additional comments:

4. For each public access law, do the applicable statutes/regulations address electronic information separately vis-à-vis print information?

- Yes
- No

a. If “Yes,” cite to and briefly discuss statutes/regulations addressing electronic information; how is it treated differently?

Or. Rev. Stat. § 357.090(4) says that “(i)ssuing agencies shall not charge any public, school or academic library for access to information produced by the agency and maintained in electronic form.”

Additional comments:

5. For each public access law, do the applicable statutes/regulations specifically address permanency of the information?

- Yes
- No

- a. If “Yes,” for each public access law, cite to and briefly discuss the permanency provisions.

Additional comments:

6. For each public access law, do the applicable statutes/regulations specifically address accessibility of information?

Yes
 No

- a. If “Yes,” cite to and briefly discuss the accessibility provisions.

Or. Rev. Stat. § 357.003(4) says “(i)t is the policy of the people of the state of Oregon to ensure that copies of all public documents and access to state agency information in electronic form are available to citizens through a system of depository libraries.”

Additional comments:

7. For each public access law, do the applicable statutes/regulations or any other source of law supplementing them (particularly a declaration of legislative intent or a relevant attorney general opinion) declare the public policy of the state and address the scope of citizens’ access to government publications or acknowledge the state’s responsibility to permanently maintain government publications?

Yes
 No

- a. If “Yes,” cite to and provide relevant language.

Or. Rev. Stat. § 357.001(5) states that “(i)t is the basic right of citizens to know about the activities of their government, to benefit from the information developed at public expense and to enjoy access to the information services of state agencies.”

Additional comments:

8. Has any public access legislation/administrative regulation been proposed calling for “permanent public access” of electronic publications?

Yes
 No

- a. If “Yes,” cite to and briefly discuss the legislation/proposed regulation; what was the outcome?
b. If “Yes,” also cite to documents from the legislative or regulatory history.

Additional comments:

9. Has litigation under any public access law resulted from the state’s failure to “permanently” maintain a government publication?

Yes

No

- a. If "Yes," cite to and briefly discuss each case.

Additional comments:

10. Discuss any unique circumstances in your state relevant to "permanent public access" of government publications under public access laws.

D. STATE OFFICE FOR TECHNOLOGY AND CHIEF INFORMATION OFFICER

1. Does your state have an office for technology (or department of information technology, department of information service, or equivalent) and/or a chief information officer (or equivalent)?

Yes

No

- a. If "Yes," provide the complete official name for the office and/or officer; cite to the statute giving that information.

The Oregon Department of Administrative Services (DAS) appoints "not fewer than five agency executives to the Information Resources Management Council," which provides "policy direction for the coordination of information technology for state government." Or. Rev. Stat. § 291.038(1). The Director of DAS is the state CIO. Please see authorizing statutes below.

- b. If "No," skip this whole section.

Additional comments:

2. Cite the "enabling" statute that created and defines the powers/responsibilities of the office/officer; when was the statute first enacted?

Or. Rev. Stat. § 283.505 says "(t)he Oregon Department of Administrative Services (DAS) shall coordinate the consolidation and operation of all telecommunications systems used by the state and state agencies." 1995 Or. Laws ch. 634, § 2.

Or. Rev. Stat. § 291.038(1) grants the Director of DAS to chair and appoint members to the Information Resources Management Council (IRMC). The IRMC provides "policy direction for the coordination of information technology for state government," including the "planning, acquisition, installation and use of all information and telecommunications technology by state government and its agencies," "in the most integrated, economic and efficient manner." 1967 Or. Laws ch. 419 § 11.

Or. Rev. Stat. § 291.038(6)(f) states that the Director of DAS "may delegate to the State Chief Information Officer any of the duties, functions or powers imposed upon the director..." 1967 Or. Laws ch. 419 § 11.

Additional comments:

3. Does the office/officer have power to promulgate administrative regulations?

Yes
 No

a. If "Yes," cite the body of administrative regulations promulgated by the office/officer.

The Department of Administrative Services promulgates regulations for Budget and Management, Human Resources Services, Internal Support, Health Policy and Research, Public Employees Benefit Board, and general regulations for the department itself. Regulations relating to purchase and installation of telecommunication and technology fall under the Budget and Management Division. Or. Admin. R. ch. 122.

Additional comments:

4. The office/officer has jurisdiction over which branches?

Executive
 Legislative
 Judicial
 Administrative (applying to all agencies, no matter what branch of government)
 Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

See #3a above.

Additional comments:

5. Are the powers/responsibilities of the office/officer defined differently for electronic government information vis-à-vis print government information?

Yes
 No

a. If "Yes," cite to and briefly discuss applicable statutes/regulations addressing electronic government information; how is it treated differently?

Additional comments:

6. Do applicable statutes/regulations for the office/officer set forth powers/responsibilities relating to "permanent public access" of government information?

Yes
 No

a. If "Yes," cite to and discuss any provisions/regulations that address those powers/responsibilities; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

7. Does any relevant source of law acknowledge in any way the state's responsibility to permanently maintain government information?

Yes
 No

- a. If "Yes," briefly discuss that recognition; cite to and provide relevant language.

Additional comments:

Permanent maintenance of government information is not a state mandate; however, the importance of state information as a valuable resource is recognized. Or. Rev. Stat. § 291.037(1) states that "(i)nformation is a strategic asset of the state which must be managed as a valuable state resource."

8. Whether or not a supporting source of law can be identified, does the office/officer acknowledge responsibility to permanently maintain government information?

Yes
 No

- a. If "Yes," briefly discuss when and how that responsibility was acknowledged; cite to any supporting source of law.

Additional comments:

A spokesperson for the Information Management Resource Division deferred to State Archive policy in answer to questions 8-11.

9. Has the office/officer undertaken any special initiatives or projects involving "permanent public access" of government information?

Yes
 No

- a. If "Yes," briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

Please see Section H. State Library and State Librarian, question # 10 for a description of the interagency task force for electronic archiving of government documents.

Additional comments:

10. Has any litigation involving the office/officer resulted from the state's failure to "permanently" maintain government information?

Yes
 No

- a. If "Yes," cite to and briefly discuss each case.

Additional comments:

11. Discuss any unique circumstances in your state relevant to the office for technology and/or chief information officer.

E. STATE TECHNOLOGY PLANS

1. Does your state have a current official information technology plan (or equivalent)?

Yes
 No

- a. If "Yes," describe what government entity was responsible for creating the plan; cite to the source of its authority.

Information Resources Council, under DAS Executive Order 98-05 directive to IRMC to oversee development of a five-year plan.

- b. If "Yes," also provide complete bibliographic information about the plan; when was it published?

State of Oregon Enterprise Information Technology Strategy (October, 1998).
<http://irmd.das.state.or.us/ITPFinal.html>

- c. If "No," skip this whole section.

Additional comments:

2. The technology plan covers which branches?

Executive
 Legislative
 Judicial
 Administrative (applying to all agencies, no matter what branch of government)
 Other

- a. Briefly explain your answer and cite to applicable statutes/regulations.

The Plan strategy states that "Enterprise refers to the combined interests and missions of Oregon State government, including all three branches, higher education, community colleges, K-12 education, local and county governments and communities of interest servicing a public interest mission."

Additional comments:

3. Does the current plan include a section on permanency and public accessibility of electronic government information?

Yes

No

- a. If “Yes,” cite to and provide relevant language of the plan.

The Plan included endeavors to “increase public access to government information by making frequently requested government information available online 24 hours a day, 7 days a week, 365 days a year.”

Additional comments:

4. Discuss any unique circumstances in your state relevant to technology planning or the current information technology plan.

F. STATE PRINTING OFFICE AND STATE PRINTER

1. Does your state have an official printing office (or equivalent) and/or an official printer (or equivalent)?

Yes

No

- a. If “Yes,” provide the complete official name for the printing office and/or official printer; cite to the statute giving that information.

Or. Const. art. XII is the organic law providing for state printing and binding, and appointment of a state printer.

Or. Rev. Stat. § 282.020 allows the Director of the Department of Administrative Services (DAS) to designate state printing duties. The state printing office is called Publishing and Distribution, under DAS.

<http://pub.das.state.or.us/publish/>

Or. Rev. Stat. § 282.080 establishes the State Printer, appointed by the DAS Director.

- b. If “No,” skip this whole section.

Additional comments:

2. Cite the “enabling” statute that created and defines the powers/responsibilities of the printing office/official printer.

Or. Rev. Stat. § 282.020 authorizes the control and management of state printing and printing purchases.

Additional comments:

3. Does the printing office/official printer have power to promulgate administrative regulations?

Yes

No

- a. If "Yes," cite the body of administrative regulations promulgated by the printing office/official printer.

Regulations controlling bids for printing jobs are found at Or. Admin. R. 137-30-070.

Additional comments:

4. The printing office/official printer has jurisdiction over which branches?

- Executive
- Legislative
- Judicial
- Administrative (applying to all agencies, no matter what branch of government)
- Other

- a. Briefly explain your answer and cite to applicable statutes/regulations.

Or. Rev. Stat. § 282.210(1) states that "(e)xcept as provided in subsection (2)...all printing, binding, and stationary work for the state or any county, city, town, port district, school district or other political subdivision thereof, shall be performed within the state."

Additional comments:

5. Briefly discuss the functions of the printing office/official printer. See #2 and #4a above. Then:

- a. Describe your state's use of in-house agency publishing and/or commercial publishing of government information.

The State Printer publishes all state materials, as per Or. Rev. Stat. § 282.210(1), except that printing may be performed outside the state if "the work cannot be performed within the state...; the lowest price for which such work can be procured within the state exceeds the charge usually and customarily made to private individuals and corporations of similar character and quality; or all bids for the work, or any part thereof, are excessive and not reasonably competitive." Or. Rev. Stat. § 282.210(2)(a-c).

- b. What percentage of official state government documents are printed by the printing office/official printer?

Approximately 50% of state documents are printed in-house, with exemptions such as lottery and corrections materials. Approximately 50% of document printing is contracted out.

- c. To what extent is the printing office/official printer involved in the electronic dissemination of government information?

Printing and Distribution (P&D) is involved in the electronic dissemination *and management* of government information in the following ways:

- 1) P&D has a team that designs and maintains agency websites.
- 2) P&D must provide agency documents in PDF.
- 3) An interagency task force comprised of P&D staff and the e-government team of the Information Resource Management Division was recently formed to identify and better present important government information and internal documents. The task force will also address the issue of how and when P&D should “grab” agency materials for archive.

Additional comments:

6. Are the powers/responsibilities of the printing office/official printer defined differently for electronic government information vis-à-vis print government information?

Yes

No

- a. If “Yes,” cite to and briefly discuss applicable statutes/regulations addressing electronic government information; how is it treated differently?

Additional comments:

7. Do applicable statutes/regulations for the printing office/official printer set forth powers/responsibilities relating to “permanent public access” of government information?

Yes

No

- a. If “Yes,” cite to and discuss any provisions/regulations that address those powers/responsibilities; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

8. Does any relevant source of law acknowledge in any way the state’s responsibility to permanently maintain government information?

Yes

No

- a. If “Yes,” briefly discuss that recognition; cite to and provide relevant language.

Additional comments:

9. Whether or not a supporting source of law can be identified, does the printing office/official printer acknowledge responsibility to permanently maintain government information?

Yes

No

- a. If “Yes,” briefly discuss when and how that responsibility was acknowledged; cite to any supporting source of law.

Additional comments:

The State Printer and Printing and Distribution are mandated by the Constitution to print state materials. P&D works in conjunction with the State Archives and State Library to maintain electronic access and PDF format of agency documents, however, the decision for permanent maintenance is left to the state archivist and librarian.

10. Has the printing office/official printer undertaken any special initiatives or projects involving “permanent public access” of government information?

Yes
 No

- a. If “Yes,” briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

Additional comments:

The recent interagency task force formation noted in #5c above is making efforts to better identify, present and archive agency documents, but does not state “permanent public access” as a goal per se.

11. Has any litigation involving the printing office/official printer resulted from the state’s failure to “permanently” maintain government information?

Yes
 No

- a. If “Yes,” cite to and briefly discuss each case.

Additional comments:

12. Discuss any unique circumstances in your state relevant to the official printing office and/or official printer.

Oregon Printing and Distribution is environmentally friendly. P&D created the Environmental Policy Manual “to provide optimum protection to the environment.” The EPM covers “all activities, products and services of P&D that interact or may interact with the environment.”

G. STATE ARCHIVES AND STATE ARCHIVIST

This section addresses your state’s official archives and state archivist. If these responsibilities are by law under the auspices of your state library and state librarian, please move on to Section H.

1. Does your state have an official archives (or equivalent) and/or an official archivist (or equivalent)?

Yes
 No

- a. If “Yes,” provide the complete official name for the archives and/or archivist; cite the statute giving that information.

State Archivist: Or. Rev. Stat. § 357.815 (under the Secretary of State)

- b. If “No,” skip this whole section.

Additional comments:

- 2. Cite the “enabling” statute that created and defines the powers/responsibilities of the archives/archivist.

The office of State Archivist is created in Or. Rev. Stat. § 357.815. Powers and responsibilities are defined in Or. Rev. Stat. § 357.825 through 895.

Additional comments:

- 3. Does the archive/archivist have power to promulgate administrative regulations?

Yes
 No

- a. If “Yes,” cite the body of administrative regulations promulgated by the archive/archivist.

Or. Admin. R. ch. 166.

Additional comments:

- 4. The archive/archivist has defined responsibilities for which branches?

Executive
 Legislative
 Judicial
 Administrative (applying to all agencies, no matter what branch of government)
 Other

- a. Briefly explain your answer and cite to applicable statutes/regulations.

Or. Rev. Stat. § 357.825 and 357.855 say that the State Archivist adopts rules or provides guidance to state and local agencies, and executive, judicial and legislative branches on the care, maintenance, filing, access, copying, retention, preservation, and valuation of public records and other government documents.

Additional comments:

- 4. Briefly discuss the functions of the archive/archivist.

In addition to #4a above, the State Archivist is responsible for consolidating “ information pertaining to genealogy of Oregon Historic Families” in cooperation with the historical societies, and compiling pre-1910 Oregon decennial census data. Or. Rev. Stat. § 358.035(2).

Additional comments:

6. Are the powers/responsibilities of the archive/archivist defined differently for electronic government information vis-à-vis print government information?

Yes

No

- a. If "Yes," cite to and briefly discuss applicable statutes/regulations addressing electronic government information; how is it treated differently?

Additional comments:

7. Do applicable statutes/regulations for the archive/archivist set forth powers/responsibilities relating to "permanent public access" of government information?

Yes

No

- a. If "Yes," cite to and discuss any provisions /regulations that address those powers/responsibilities; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

8. Does any relevant source of law acknowledge in any way the state's responsibility to permanently maintain government information?

Yes

No

- a. If "Yes," briefly discuss that recognition; cite to and provide relevant language.

Additional comments:

Or. Admin. R. 166-010-0000 only provides for the storage of permanently valuable public *records*.

9. Whether or not a supporting source of law can be identified, does the archive/archivist acknowledge responsibility to permanently maintain government information?

Yes

No

- a. If "Yes," briefly discuss when and how that responsibility was acknowledged; cite to any supporting source of law.

Additional comments:

State Archivist Roy Turnbaugh acknowledges a responsibility to permanently maintain government information that has been identified as worthy of permanent preservation. Mr. Turnbaugh added that the definition of "public record" needed to be tuned up to accommodate other classes of materials. Currently, the definition is being "tortured" and the record concept is being stretched to accommodate electronic material.

10. Has the archive/archivist undertaken any special initiatives or projects involving “permanent public access” of government information?

Yes
 No

- a. If “Yes,” briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

For the past five years, the State Archives has identified, tracked and preserved databases that have “essential value to agencies.”

Additional comments:

11. Has any litigation involving the archive/archivist resulted from the state’s failure to “permanently” maintain government information?

Yes
 No

- a. If “Yes,” briefly discuss the circumstances of each case and its outcome, and provide citations to any court decisions.

Additional comments:

12. Discuss any unique circumstances in your state relevant to the official archive and/or official archivist.

H. STATE LIBRARY AND STATE LIBRARIAN

This section addresses your state’s official library and state librarian. There is no separate section that addresses the official law library and state law librarian, if any. If your state has an official library *and* an official law library (and/or official librarian *and* official law librarian), it may be appropriate to address those government entities and/or persons separately.

1. Does your state have an official library (or equivalent) and/or an official librarian (or equivalent)?

Yes
 No

- a. If “Yes,” provide the complete official name for the library and/or librarian; cite to the statute giving that information.

State Library Or. Rev. Stat. § 357.005

State Librarian Or. Rev. Stat. § 357.050

- b. If “No,” skip this whole section.

Additional comments:

2. Cite the “enabling” statute that created and defines the powers/responsibilities of the library/librarian.

State Library: Or. Rev. Stat. § 357.005
State Librarian: Or. Rev. Stat. § 357.050 & 357.071

Additional comments:

3. Does the library/librarian have power to promulgate administrative regulations?

Yes
 No

a. If "Yes," cite the body of administrative regulations promulgated by the library/librarian.

Or. Admin. R. 543-070-0000 (state depository regulations)

Additional comments:

4. The library/librarian has defined responsibilities for which branches?

Executive
 Legislative
 Judicial
 Administrative (applying to all agencies, no matter what branch of government)
 Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

Under Or. Rev. Stat. § 357.095, copies of core public documents from issuing state agencies are deposited with the State Librarian.

Additional comments:

5. Briefly discuss the functions of the library/librarian.

The State Librarian "(p)romotes adequate library services for all of the people of (Oregon) by providing assistance and advice to libraries, boards, decision making bodies and state agencies; maintaining and developing collections and services to supplement other libraries in the state; meeting the research needs of the Legislative Assembly and state government; promoting state, national and international library networks to share resources; developing special library services; facilitating spending of federal and state funds; developing long range plans for library services, publishing reports and statistical data for the Governor; facilitating and prescribing state document depository program conditions; loaning books free of charge to Oregon citizens. Or. Rev. Stat. § 357.005.

Additional comments:

6. Are the powers/responsibilities of the library/librarian defined differently for electronic government information vis-à-vis print government information?

Yes
 No

- a. If "Yes," cite to and briefly discuss applicable statutes/regulations addressing electronic government information; how is it treated differently?

Additional comments:

7. Do applicable statutes/regulations for the library/librarian set forth powers/responsibilities relating to "permanent public access" of government information?

Yes
 No

- a. If "Yes," cite to and discuss any provisions/regulations that address those powers/responsibilities ; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

8. Does any relevant source of law acknowledge in any way the state's responsibility to permanently maintain government information?

Yes
 No

- a. If "Yes," briefly discuss that recognition; cite to and provide relevant language.

Additional comments:

9. Whether or not a supporting source of law can be identified, does the library/librarian acknowledge responsibility to permanently maintain government information?

Yes
 No

- a. If "Yes," briefly discuss when and how that responsibility was acknowledged; cite to any supporting source of law.

State Librarian Jim Scheppke interprets statutory public access requirements to imply that the State Library has a responsibility to maintain the archive in order to ensure access. To that end, Mr. Scheppke said that one of the State Library's major responsibilities since 1905 has been to collect every state government publication and act as a repository. Mr. Scheppke also interprets the statutes to mean that the State Library is a leader in maintenance of electronic publications. The statutes to which Mr. Scheppke refers are the Legislative Findings and Policy that establish the State Library and public access policies. See Or. Rev. Stat. 357.001(5) noted in Section C, Public Access Law, #7a.

Additional comments:

10. Has the library/librarian undertaken any special initiatives or projects involving "permanent public access" of government information?

Yes
 No

- a. If "Yes," briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

An inter-agency task force was recently established to work on long-term preservation of Oregon state electronic resources. Agencies represented include Publishing and Distribution, the State Archives and the State Library. A pilot project to create an archive with the Department of Consumer and Business Services will begin soon. The project will provide a basis for recommendations to the Executive and Legislative branches on how and why such a project should be done. The project timelines, strategic plan, archiving criteria, statutory authority and draft charter can be found at <http://www.osl.state.or.us/edocs/oregonarchive.html>

Additional comments:

11. Has any litigation involving the library/librarian resulted from the state's failure to "permanently" maintain government information?

Yes
 No

- a. If "Yes," cite to and briefly discuss each case.

Additional comments:

12. Discuss any unique circumstances in your state relevant to the state library and/or state librarian.

The State of Oregon Law Library was created in July 2001, by replacing every occurrence of "Supreme Court Library" in the statutes. Under the supervision of the State Court Administrator, the State of Oregon Law Library is the primary legal information resource for the state government and offers access to the law for all Oregonians.

The State of Oregon Law Librarian, Joe Stephens, acknowledges a responsibility to permanent public access of government information. Efforts toward that end include a project to digitize appellate briefs and Oregon Rules of Appellate Procedure. In addition, Mr. Stephens noted that there has been a commitment by the state to maintain access to OJIN (Oregon Judicial Information Network), an online program of court filings, for to all citizens.

Recently, a judicial department task force was formed to work with Mr. Stephens on scheduling retention dates on all agency materials, including legislative and executive materials. Mr. Stephens will advise that some materials be maintained permanently.

I. STATE DEPOSITORY LIBRARY LAWS

States often have a depository library program patterned after the federal model for disseminating federal government publications.

1. Does your state have a "depository library program," as referred to in the paragraph above?

Yes
 No

- a. If “Yes,” cite your state’s depository library law statutes and the administrative regulations that supplement them.

Or. Rev. Stat. 357.090 through 105
Or. Admin. R. 543-070-0000

- b. If “No,” skip this whole section.

Additional comments:

2. Do the depository library statutes/regulations address electronic government information separately vis-à-vis print government information?

Yes
 No

- a. If “Yes,” cite to and briefly discuss statutes/regulations addressing electronic government information; how is it treated differently?

Or. Rev. Stat. § 357.090(4) states that “(i)ssuing agencies shall not charge any public, school or academic library for access to information produced by the agency and maintained in electronic form.”

Or. Rev. Stat. § 357.090(3) state that “(e)ach issuing agency shall provide to the State Librarian an annual listing of all public documents, including those produced in electronic form...”

Or. Rev. Stat. § 357.003(4) states that “(i)t is the policy of the people of the state of Oregon to ensure that copies of all public documents and access to state agency information in electronic form are available to citizens through a system of depository libraries.”

- b. If “No,” explain whether or not the statutes/regulations have been construed to cover electronic government information?

Additional comments:

3. Do any depository library statutes/regulations assure “permanent public access” of electronic government information?

Yes
 No

- a. If “Yes,” cite to and discuss any provisions/regulations that address “permanent public access”; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

4. Do the depository library statutes/regulations or any other source of law supplementing them (particularly a declaration of legislative intent or a relevant attorney general opinion) declare the public policy of the state and address the scope of citizens' access to government information or acknowledge the state's responsibility to permanently maintain public records?

Yes
 No

- a. If "Yes," cite to and provide relevant language.

The state acknowledges a right to access government information in Or. Rev. Stat. 357.001(5). See Section C, Public Access Laws, question #7a)

Additional comments:

5. Have depository libraries as a whole undertaken any special initiatives or projects involving "permanent public access" of government information?

Yes
 No

- a. If "Yes," briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

Additional comments:

6. Please determine the absolute number or percentage of titles:

Neither the State Library nor the regional depository librarian, Judy Andrews, had these numbers or statistics.

Formerly distributed in print, now distributed exclusively in electronic format.
 Never before distributed, now distributed in electronic format.

Additional comments:

The State Library is starting a list of web only government publications.

7. Discuss the depository library program's effectiveness and actual accomplishments in disseminating, preserving and providing access of electronic government information?

The State Library's efforts to disseminate and provide access to electronic government information are effective. Efforts to preserve electronic documents are increasing.

Judy Andrews stated that Oregon has always been interested in having the depository law work. In addition to the strong public policy mandating access to government documents for all citizens in ORS 357.001(5), the State Library has undertaken several projects to improve access. The Government Information Locator Service was started in 1995 to provide accessible, online metadata on both the collection and document level. Because GILS was on separate agency servers, thus precluding control over preservation by the State Library, workshops were held with agencies to increase collaboration.

Recently, the State Library developed FindOr, a metaindex overlay to GILS. With State Library control of FindOr, and agency collaboration on the new Oregon state website, www.oregon.gov, there is increased dissemination and access to electronic government information.

Preservation of electronic documents will increase with the efforts of a recently created interagency task force formed for the purpose of archiving electronic documents See Section H, State Library and State Librarian, question #10.

Additional comments:

J. COOPERATIVE ARRANGEMENTS

One can imagine any number of cooperative arrangements to assure “permanent public access.” A well-known example is the partnership between the Texas Electronic Depository program (involving the Texas State Library and Archives Commission) and the University of North Texas Libraries (see description for program C304 at Computers in Libraries 2002 on the Information Today website). A hypothetical example of a less formalized cooperative arrangement is where a state’s highest court relies on the state bar association to publish the court’s decisions.

1. To secure PPA, has any state agency or other government entity (judicial, legislative or executive) partnered with any not for profit, educational, or for profit organization outside of government?

Yes
 No

- a. If “Yes,” describe each partnership, noting whether it is funded by a grant or through a government appropriation; give a brief history and summary of accomplishments.

Cooperative arrangements involve federal materials at this point but indicate the direction in which Oregon is moving.

1. Southern Oregon University received a \$467,000 IMLS (Institute of Museum and Library Services) federal grant, through the efforts of a senator from Oregon, to create a database of local federal documents and “gray” literature for the purpose of permanently maintaining and accessing the information. Currently, federal documents from a four-county southern Oregon region are being scanned, cataloged, and approved for use where copyright permission is needed. In the next phase, SOU will work with the local Bureau of Land Management and Forest Service agencies to add digital documents to the collection.

2. The Government Documents committee of Orbis (a consortium of public and private librarians from Oregon and Washington academic institutions) have long-range plans to electronically archive print and electronic documents from local federal agencies. Each librarian is being asked to identify a natural resource project done by a federal agency in their geographical area. The project will be indexed, captured, maintained and preserved in perpetuity. Some librarians have identified a project and are proceeding with the work.

Additional comments:

2. Does the state rely on any cooperative activities that are not actually formalized?

Yes
 No

- a. If "Yes," describe each relationship and cooperative activity; give a brief history and a summary of accomplishments.

Please see Section H, State Library and State Librarian, question #10, on information about the interagency task force created to archive electronic documents.

Additional comments:

3. Does any state agency or other government entity secure "permanent public access" through any other type of cooperative arrangement?

Yes
 No

- a. Describe each cooperative arrangement; give a brief history and a summary of accomplishments.

Additional comments:

K. FACTORS TO BE CONSIDERED IN FUTURE ADVOCACY OR REFORM EFFORTS

1. If "permanent public access" is neglected in your state, carefully examine existing public records statutes, freedom of information statutes, public access laws, etc., and respond to the following:

- a. If possible, cite to and discuss one or two specific places in statutes or other sources of law where the state legislature or a responsible agency might naturally insert basic reform language.

There are two places in Oregon law where language for permanent public access of government documents could naturally be inserted. First, the term "government documents" could be added to OR Admin Rule 166-010-000, which requires "storage for permanently valuable public records and access to those public records in the official custody of the State Archivist." Second, the words "permanent public" could be added before the word "access" in the State Library policy found in Or. Rev. Stat. § 357.001(5). The policy states that "(i)t is the basic right of citizens to know about the activities of their government, to benefit from the information developed at public expense and to enjoy access to the information services of state agencies."

- b. If specific places to insert reform language are not obvious, very briefly discuss what state agency or other government entity might naturally be made responsible for "permanent public access."

Additional comments:

2. Discuss known failed efforts in your state to achieve "permanent public access"; how might new efforts succeed?

No such efforts found.

Additional comments:

L. DIRECTORY

This section asks you to collect directory-type information for important state officials involved in the dissemination of government information.

Provide official contact information for:

1. State Chief Information Officer (or equivalent)

John Lattimer
Administrator/CIO
Department of Administrative Services
955 Center St. NE Rm 461
Salem, OR 97301-2556
Telephone: (503) 378-3160
Fax: (503) 378-3160
E-Mail: john.n.lattimer@state.or.us

2. State Printer

State Printer Michael S. Freese
Publishing and Distribution
550 Airport Rd SE
Salem, OR 97301-6084
E-Mail: michael.s.freese@state.or.us

3. State Archivist

Roy Turnbaugh
State Archivist
Oregon State Archives
800 Summer St NE
Salem, OR 97301-2556
Telephone: (503) 373-0701 x237
Fax: (503) 373-0953
E-Mail: roy.c.turnbaugh@state.or.us

4. State Librarian and/or State Law Librarian

Jim Scheppke
State Librarian
Oregon Sate Library
250 Winter St. NE
Salem, OR 97301-3950

Telephone: (503) 378-4243 x221
Fax: (503) 588-7119
E-Mail: jim.b.scheppke@state.or.us
Joe Stephens
State Law Librarian
State of Oregon Law Library
Supreme Court Building
1163 State St.
Salem, OR 97301-2563
Telephone: (503) 986-5640
Fax: (503) 986-5623
E-Mail: joe.k.stephens@ojd.state.or.us

5. State Attorney General (on freedom of information act issues, etc.)

Hardy Myers
Oregon State Attorney General
Oregon Department of Justice
1162 Court St. NE
Salem, OR 97301-4096
Telephone: (503) 378-4400
Fax: (503) 378-4017
E-Mail: doj.info@state.or.us

M. IMPORTANT STATE RESOURCES

Provide URLs or other finding information for:

1. Official state home page

[<http://www.oregon.gov>](http://www.oregon.gov)

2. State agency portal

[<http://www.oregon.gov/index.cfm?CurrPID=810>](http://www.oregon.gov/index.cfm?CurrPID=810)

Does the portal have a searching capability similar to FirstGov?

Yes.

3. Legislative website

[<http://www.leg.state.or.us/index.html>](http://www.leg.state.or.us/index.html)

a. Does the website cover the current year only?

No. Bills and Laws begin with 1995. The Secretary of State Archives website covers committee minutes and bill tracings beginning 1991.

b. Are services free or fee-based?

Free.

4. Judicial websites

<<http://www.oregon.gov/index.cfm?CurrPID=10857>>

Portal to appellate courts and opinions, Oregon State court system, Oregon Tax Court, and the State Law Library.

5. Regulatory agency websites

See agency website portal in #2 above.

6. Freedom of Information Service Hotline

Oregon does not have a freedom of information service hotline, however, there is a coalition that addresses FOIA issues. Open Oregon is a coalition of educational and charitable organizations. Their mission is to assist and educate the general public, students, educators, public officials, media and legal professionals to understand and exercise their rights to open government, the public meeting and records laws, and FOIA. The URL for Open Oregon is <<http://www.open-oregon.com>>. The address is 11575 SW Pacific Hwy. Suite 196, Portland, OR 97223.

a. Does the state have an ombudsman for freedom of information act issues?

No.

b. Is the state attorney general's office the public's contact for freedom of information act issues?

For local public records issues, the contact is the district attorney. For state freedom of information issues, the attorney general's office is the public contact.