

House Bill 2757

Sponsored by Representative WILLIAMSON (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires law enforcement agency to establish policy for using cameras worn upon police officer's body to record officer's interactions with members of public. Specifies requirements of policy.

Provides exemption from required disclosure under public records law of recordings made of law enforcement officer's interactions with public. Creates exceptions to exemption.

A BILL FOR AN ACT

1
2 Relating to cameras worn upon a law enforcement officer's body; creating new provisions; and
3 amending ORS 165.540 and 192.502.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. (1) A law enforcement agency that uses cameras worn upon law enforcement**
6 **officers' bodies shall establish a policy for the use of the cameras that includes, but is not**
7 **limited to, the following provisions:**

8 (a) **Restricting the use of the cameras to uniformed officers.**

9 (b) **Requiring that a camera record continuously at all times when an officer is on duty**
10 **and is engaged in an encounter with a member of the public for a law enforcement purpose,**
11 **except under the following circumstances provided that the reason for the break in recording**
12 **is documented by the officer:**

13 (A) **In the course of an incident that takes place inside a private residence, when a resi-**
14 **dent requests that the officer stop recording, unless there are circumstances that render**
15 **compliance with the request impractical; or**

16 (B) **When the law enforcement officer is conducting an interview with a witness or**
17 **informant and the witness or informant does not consent to the recording.**

18 (c) **Requiring that all data, including any backup data stored remotely, obtained from the**
19 **operation of the camera be destroyed after one year, except for any data that document an**
20 **incident resulting in an investigation of the officer or a civil or criminal proceeding, in which**
21 **case the data must be retained for three years or until the conclusion of any resulting pro-**
22 **ceeding, whichever occurs later.**

23 (d) **Requiring that any contract with a third party vendor for data storage specify that**
24 **data from the camera are the property of the law enforcement agency, are not owned by the**
25 **vendor and cannot be used by the vendor for any purpose inconsistent with the policies and**
26 **procedures of the law enforcement agency.**

27 (e) **Prohibiting the use of any data obtained from the camera for any purpose other than**
28 **internal and external investigations of misconduct, law enforcement training or when the law**
29 **enforcement agency has reasonable suspicion that the data contain evidence of a crime.**

30 (f) **Prohibiting the use of facial recognition and other biometric matching technology to**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **analyze data obtained through the use of the camera.**

2 **(g) Providing that an officer who violates the policy established under this section shall**
3 **be subject to discipline.**

4 **(2) As used in this section:**

5 **(a) "Law enforcement agency" means an agency employing law enforcement officers to**
6 **enforce criminal laws.**

7 **(b) "Law enforcement officer" means an officer employed to enforce criminal laws by:**

8 **(A) This state or a municipal government within this state;**

9 **(B) A political subdivision, agency, department or bureau of the governments described**
10 **in subparagraph (A) of this paragraph; or**

11 **(C) A police department established by a university under ORS 352.383 or 353.125.**

12 **SECTION 2.** ORS 165.540 is amended to read:

13 165.540. (1) Except as otherwise provided in ORS 133.724 or 133.726 or subsections (2) to (7) of
14 this section, a person may not:

15 (a) Obtain or attempt to obtain the whole or any part of a telecommunication or a radio com-
16 munication to which the person is not a participant, by means of any device, contrivance, machine
17 or apparatus, whether electrical, mechanical, manual or otherwise, unless consent is given by at
18 least one participant.

19 (b) Tamper with the wires, connections, boxes, fuses, circuits, lines or any other equipment or
20 facilities of a telecommunication or radio communication company over which messages are trans-
21 mitted, with the intent to obtain unlawfully the contents of a telecommunication or radio communi-
22 cation to which the person is not a participant.

23 (c) Obtain or attempt to obtain the whole or any part of a conversation by means of any device,
24 contrivance, machine or apparatus, whether electrical, mechanical, manual or otherwise, if not all
25 participants in the conversation are specifically informed that their conversation is being obtained.

26 (d) Obtain the whole or any part of a conversation, telecommunication or radio communication
27 from any person, while knowing or having good reason to believe that the conversation, telecom-
28 munication or radio communication was initially obtained in a manner prohibited by this section.

29 (e) Use or attempt to use, or divulge to others, any conversation, telecommunication or radio
30 communication obtained by any means prohibited by this section.

31 (2)(a) The prohibitions in subsection (1)(a), (b) and (c) of this section do not apply to:

32 (A) Officers, employees or agents of a telecommunication or radio communication company who
33 perform the acts prohibited by subsection (1)(a), (b) and (c) of this section for the purpose of con-
34 struction, maintenance or conducting of their telecommunication or radio communication service,
35 facilities or equipment.

36 (B) Public officials in charge of and at jails, police premises, sheriffs' offices, Department of
37 Corrections institutions and other penal or correctional institutions, except as to communications
38 or conversations between an attorney and the client of the attorney.

39 (b) Officers, employees or agents of a telecommunication or radio communication company who
40 obtain information under paragraph (a) of this subsection may not use or attempt to use, or divulge
41 to others, the information except for the purpose of construction, maintenance, or conducting of
42 their telecommunication or radio communication service, facilities or equipment.

43 (3) The prohibitions in subsection (1)(a), (b) or (c) of this section do not apply to subscribers or
44 members of their family who perform the acts prohibited in subsection (1) of this section in their
45 homes.

1 (4) The prohibitions in subsection (1)(a) of this section do not apply to the receiving or obtaining
 2 of the contents of any radio or television broadcast transmitted for the use of the general public.

3 (5) The prohibitions in subsection (1)(c) of this section do not apply to:

4 (a) A person who records a conversation during a felony that endangers human life;

5 (b) A person who, pursuant to ORS 133.400, records an interview conducted by a peace officer
 6 in a law enforcement facility;

7 (c) A law enforcement officer who is in uniform and displaying a badge and who is operating:

8 (A) A vehicle-mounted video camera that records the scene in front of, within or surrounding
 9 a police vehicle, unless the officer has reasonable opportunity to inform participants in the conver-
 10 sation that the conversation is being obtained; or

11 (B) **A camera worn upon the officer's body that records the officer's interactions with**
 12 **members of the public while the officer is on duty, unless the officer has reasonable oppor-**
 13 **tunity to inform participants in the conversation that the conversation is being obtained;**

14 (d) A law enforcement officer who, acting in the officer's official capacity, deploys an Electro-
 15 Muscular Disruption Technology device that contains a built-in monitoring system capable of re-
 16 cording audio or video, for the duration of that deployment[.]; **or**

17 (e) **A person who records a law enforcement officer in the course of the officer's official**
 18 **duties.**

19 (6) The prohibitions in subsection (1)(c) of this section do not apply to persons who intercept
 20 or attempt to intercept with an unconcealed recording device the oral communications that are part
 21 of any of the following proceedings:

22 (a) Public or semipublic meetings such as hearings before governmental or quasi-governmental
 23 bodies, trials, press conferences, public speeches, rallies and sporting or other events;

24 (b) Regularly scheduled classes or similar educational activities in public or private institutions;
 25 or

26 (c) Private meetings or conferences if all others involved knew or reasonably should have known
 27 that the recording was being made.

28 (7) The prohibitions in subsection (1)(a), (c), (d) and (e) of this section do not apply to any:

29 (a) Radio communication that is transmitted by a station operating on an authorized frequency
 30 within the amateur or citizens bands; or

31 (b) Person who intercepts a radio communication that is transmitted by any governmental, law
 32 enforcement, civil defense or public safety communications system, including police and fire, readily
 33 accessible to the general public provided that the interception is not for purposes of illegal activity.

34 (8) Violation of subsection (1) or (2)(b) of this section is a Class A misdemeanor.

35 (9) As used in this section:

36 (a) "Electro-Muscular Disruption Technology device" means a device that uses a high-voltage,
 37 low power charge of electricity to induce involuntary muscle contractions intended to cause tem-
 38 porary incapacitation. "Electro-Muscular Disruption Technology device" includes devices commonly
 39 known as tasers.

40 (b) "Law enforcement officer" has the meaning given that term in ORS 133.726.

41 **SECTION 3.** ORS 192.502 is amended to read:

42 192.502. The following public records are exempt from disclosure under ORS 192.410 to 192.505:

43 (1) Communications within a public body or between public bodies of an advisory nature to the
 44 extent that they cover other than purely factual materials and are preliminary to any final agency
 45 determination of policy or action. This exemption shall not apply unless the public body shows that

1 in the particular instance the public interest in encouraging frank communication between officials
 2 and employees of public bodies clearly outweighs the public interest in disclosure.

3 (2) Information of a personal nature such as but not limited to that kept in a personal, medical
 4 or similar file, if public disclosure would constitute an unreasonable invasion of privacy, unless the
 5 public interest by clear and convincing evidence requires disclosure in the particular instance. The
 6 party seeking disclosure shall have the burden of showing that public disclosure would not consti-
 7 tute an unreasonable invasion of privacy.

8 (3) Public body employee or volunteer addresses, Social Security numbers, dates of birth and
 9 telephone numbers contained in personnel records maintained by the public body that is the em-
 10 ployer or the recipient of volunteer services. This exemption:

11 (a) Does not apply to the addresses, dates of birth and telephone numbers of employees or vol-
 12 unteers who are elected officials, except that a judge or district attorney subject to election may
 13 seek to exempt the judge's or district attorney's address or telephone number, or both, under the
 14 terms of ORS 192.445;

15 (b) Does not apply to employees or volunteers to the extent that the party seeking disclosure
 16 shows by clear and convincing evidence that the public interest requires disclosure in a particular
 17 instance;

18 (c) Does not apply to a substitute teacher as defined in ORS 342.815 when requested by a pro-
 19 fessional education association of which the substitute teacher may be a member; and

20 (d) Does not relieve a public employer of any duty under ORS 243.650 to 243.782.

21 (4) Information submitted to a public body in confidence and not otherwise required by law to
 22 be submitted, where such information should reasonably be considered confidential, the public body
 23 has obliged itself in good faith not to disclose the information, and when the public interest would
 24 suffer by the disclosure.

25 (5) Information or records of the Department of Corrections, including the State Board of Parole
 26 and Post-Prison Supervision, to the extent that disclosure would interfere with the rehabilitation of
 27 a person in custody of the department or substantially prejudice or prevent the carrying out of the
 28 functions of the department, if the public interest in confidentiality clearly outweighs the public in-
 29 terest in disclosure.

30 (6) Records, reports and other information received or compiled by the Director of the Depart-
 31 ment of Consumer and Business Services in the administration of ORS chapters 723 and 725 not
 32 otherwise required by law to be made public, to the extent that the interests of lending institutions,
 33 their officers, employees and customers in preserving the confidentiality of such information out-
 34 weighs the public interest in disclosure.

35 (7) Reports made to or filed with the court under ORS 137.077 or 137.530.

36 (8) Any public records or information the disclosure of which is prohibited by federal law or
 37 regulations.

38 (9)(a) Public records or information the disclosure of which is prohibited or restricted or other-
 39 wise made confidential or privileged under Oregon law.

40 (b) Subject to ORS 192.423, paragraph (a) of this subsection does not apply to factual information
 41 compiled in a public record when:

42 (A) The basis for the claim of exemption is ORS 40.225;

43 (B) The factual information is not prohibited from disclosure under any applicable state or fed-
 44 eral law, regulation or court order and is not otherwise exempt from disclosure under ORS 192.410
 45 to 192.505;

1 (C) The factual information was compiled by or at the direction of an attorney as part of an
 2 investigation on behalf of the public body in response to information of possible wrongdoing by the
 3 public body;

4 (D) The factual information was not compiled in preparation for litigation, arbitration or an
 5 administrative proceeding that was reasonably likely to be initiated or that has been initiated by
 6 or against the public body; and

7 (E) The holder of the privilege under ORS 40.225 has made or authorized a public statement
 8 characterizing or partially disclosing the factual information compiled by or at the attorney's di-
 9 rection.

10 (10) Public records or information described in this section, furnished by the public body ori-
 11 ginally compiling, preparing or receiving them to any other public officer or public body in con-
 12 nection with performance of the duties of the recipient, if the considerations originally giving rise
 13 to the confidential or exempt nature of the public records or information remain applicable.

14 (11) Records of the Energy Facility Siting Council concerning the review or approval of security
 15 programs pursuant to ORS 469.530.

16 (12) Employee and retiree address, telephone number and other nonfinancial membership records
 17 and employee financial records maintained by the Public Employees Retirement System pursuant to
 18 ORS chapters 238 and 238A.

19 (13) Records of or submitted to the State Treasurer, the Oregon Investment Council or the
 20 agents of the treasurer or the council relating to active or proposed publicly traded investments
 21 under ORS chapter 293, including but not limited to records regarding the acquisition, exchange or
 22 liquidation of the investments. For the purposes of this subsection:

23 (a) The exemption does not apply to:

24 (A) Information in investment records solely related to the amount paid directly into an invest-
 25 ment by, or returned from the investment directly to, the treasurer or council; or

26 (B) The identity of the entity to which the amount was paid directly or from which the amount
 27 was received directly.

28 (b) An investment in a publicly traded investment is no longer active when acquisition, exchange
 29 or liquidation of the investment has been concluded.

30 (14)(a) Records of or submitted to the State Treasurer, the Oregon Investment Council, the
 31 Oregon Growth Board or the agents of the treasurer, council or board relating to actual or proposed
 32 investments under ORS chapter 293 or 348 in a privately placed investment fund or a private asset
 33 including but not limited to records regarding the solicitation, acquisition, deployment, exchange or
 34 liquidation of the investments including but not limited to:

35 (A) Due diligence materials that are proprietary to an investment fund, to an asset ownership
 36 or to their respective investment vehicles.

37 (B) Financial statements of an investment fund, an asset ownership or their respective invest-
 38 ment vehicles.

39 (C) Meeting materials of an investment fund, an asset ownership or their respective investment
 40 vehicles.

41 (D) Records containing information regarding the portfolio positions in which an investment
 42 fund, an asset ownership or their respective investment vehicles invest.

43 (E) Capital call and distribution notices of an investment fund, an asset ownership or their re-
 44 spective investment vehicles.

45 (F) Investment agreements and related documents.

1 (b) The exemption under this subsection does not apply to:

2 (A) The name, address and vintage year of each privately placed investment fund.

3 (B) The dollar amount of the commitment made to each privately placed investment fund since
4 inception of the fund.

5 (C) The dollar amount of cash contributions made to each privately placed investment fund since
6 inception of the fund.

7 (D) The dollar amount, on a fiscal year-end basis, of cash distributions received by the State
8 Treasurer, the Oregon Investment Council, the Oregon Growth Board or the agents of the treasurer,
9 council or board from each privately placed investment fund.

10 (E) The dollar amount, on a fiscal year-end basis, of the remaining value of assets in a privately
11 placed investment fund attributable to an investment by the State Treasurer, the Oregon Investment
12 Council, the Oregon Growth Board or the agents of the treasurer, council or board.

13 (F) The net internal rate of return of each privately placed investment fund since inception of
14 the fund.

15 (G) The investment multiple of each privately placed investment fund since inception of the fund.

16 (H) The dollar amount of the total management fees and costs paid on an annual fiscal year-end
17 basis to each privately placed investment fund.

18 (I) The dollar amount of cash profit received from each privately placed investment fund on a
19 fiscal year-end basis.

20 (15) The monthly reports prepared and submitted under ORS 293.761 and 293.766 concerning the
21 Public Employees Retirement Fund and the Industrial Accident Fund may be uniformly treated as
22 exempt from disclosure for a period of up to 90 days after the end of the calendar quarter.

23 (16) Reports of unclaimed property filed by the holders of such property to the extent permitted
24 by ORS 98.352.

25 (17)(a) The following records, communications and information submitted to the Oregon Business
26 Development Commission, the Oregon Business Development Department, the State Department of
27 Agriculture, the Oregon Growth Board, the Port of Portland or other ports as defined in ORS
28 777.005, or a county or city governing body and any board, department, commission, council or
29 agency thereof, by applicants for investment funds, grants, loans, services or economic development
30 moneys, support or assistance including, but not limited to, those described in ORS 285A.224:

31 (A) Personal financial statements.

32 (B) Financial statements of applicants.

33 (C) Customer lists.

34 (D) Information of an applicant pertaining to litigation to which the applicant is a party if the
35 complaint has been filed, or if the complaint has not been filed, if the applicant shows that such
36 litigation is reasonably likely to occur; this exemption does not apply to litigation which has been
37 concluded, and nothing in this subparagraph shall limit any right or opportunity granted by discov-
38 ery or deposition statutes to a party to litigation or potential litigation.

39 (E) Production, sales and cost data.

40 (F) Marketing strategy information that relates to applicant's plan to address specific markets
41 and applicant's strategy regarding specific competitors.

42 (b) The following records, communications and information submitted to the State Department
43 of Energy by applicants for tax credits or for grants awarded under ORS 469B.256:

44 (A) Personal financial statements.

45 (B) Financial statements of applicants.

1 (C) Customer lists.

2 (D) Information of an applicant pertaining to litigation to which the applicant is a party if the
3 complaint has been filed, or if the complaint has not been filed, if the applicant shows that such
4 litigation is reasonably likely to occur; this exemption does not apply to litigation which has been
5 concluded, and nothing in this subparagraph shall limit any right or opportunity granted by discov-
6 ery or deposition statutes to a party to litigation or potential litigation.

7 (E) Production, sales and cost data.

8 (F) Marketing strategy information that relates to applicant's plan to address specific markets
9 and applicant's strategy regarding specific competitors.

10 (18) Records, reports or returns submitted by private concerns or enterprises required by law
11 to be submitted to or inspected by a governmental body to allow it to determine the amount of any
12 transient lodging tax payable and the amounts of such tax payable or paid, to the extent that such
13 information is in a form which would permit identification of the individual concern or enterprise.
14 Nothing in this subsection shall limit the use which can be made of such information for regulatory
15 purposes or its admissibility in any enforcement proceedings. The public body shall notify the tax-
16 payer of the delinquency immediately by certified mail. However, in the event that the payment or
17 delivery of transient lodging taxes otherwise due to a public body is delinquent by over 60 days, the
18 public body shall disclose, upon the request of any person, the following information:

19 (a) The identity of the individual concern or enterprise that is delinquent over 60 days in the
20 payment or delivery of the taxes.

21 (b) The period for which the taxes are delinquent.

22 (c) The actual, or estimated, amount of the delinquency.

23 (19) All information supplied by a person under ORS 151.485 for the purpose of requesting ap-
24 pointed counsel, and all information supplied to the court from whatever source for the purpose of
25 verifying the financial eligibility of a person pursuant to ORS 151.485.

26 (20) Workers' compensation claim records of the Department of Consumer and Business Services,
27 except in accordance with rules adopted by the Director of the Department of Consumer and Busi-
28 ness Services, in any of the following circumstances:

29 (a) When necessary for insurers, self-insured employers and third party claim administrators to
30 process workers' compensation claims.

31 (b) When necessary for the director, other governmental agencies of this state or the United
32 States to carry out their duties, functions or powers.

33 (c) When the disclosure is made in such a manner that the disclosed information cannot be used
34 to identify any worker who is the subject of a claim.

35 (d) When a worker or the worker's representative requests review of the worker's claim record.

36 (21) Sensitive business records or financial or commercial information of the Oregon Health and
37 Science University that is not customarily provided to business competitors.

38 (22) Records of Oregon Health and Science University regarding candidates for the position of
39 president of the university.

40 (23) The records of a library, including:

41 (a) Circulation records, showing use of specific library material by a named person;

42 (b) The name of a library patron together with the address or telephone number of the patron;
43 and

44 (c) The electronic mail address of a patron.

45 (24) The following records, communications and information obtained by the Housing and Com-

1 munity Services Department in connection with the department's monitoring or administration of
2 financial assistance or of housing or other developments:

3 (a) Personal and corporate financial statements and information, including tax returns.

4 (b) Credit reports.

5 (c) Project appraisals, excluding appraisals obtained in the course of transactions involving an
6 interest in real estate that is acquired, leased, rented, exchanged, transferred or otherwise disposed
7 of as part of the project, but only after the transactions have closed and are concluded.

8 (d) Market studies and analyses.

9 (e) Articles of incorporation, partnership agreements and operating agreements.

10 (f) Commitment letters.

11 (g) Project pro forma statements.

12 (h) Project cost certifications and cost data.

13 (i) Audits.

14 (j) Project tenant correspondence.

15 (k) Personal information about a tenant.

16 (L) Housing assistance payments.

17 (25) Raster geographic information system (GIS) digital databases, provided by private forestland
18 owners or their representatives, voluntarily and in confidence to the State Forestry Department,
19 that is not otherwise required by law to be submitted.

20 (26) Sensitive business, commercial or financial information furnished to or developed by a
21 public body engaged in the business of providing electricity or electricity services, if the information
22 is directly related to a transaction described in ORS 261.348, or if the information is directly related
23 to a bid, proposal or negotiations for the sale or purchase of electricity or electricity services, and
24 disclosure of the information would cause a competitive disadvantage for the public body or its re-
25 tail electricity customers. This subsection does not apply to cost-of-service studies used in the de-
26 velopment or review of generally applicable rate schedules.

27 (27) Sensitive business, commercial or financial information furnished to or developed by the
28 City of Klamath Falls, acting solely in connection with the ownership and operation of the Klamath
29 Cogeneration Project, if the information is directly related to a transaction described in ORS 225.085
30 and disclosure of the information would cause a competitive disadvantage for the Klamath
31 Cogeneration Project. This subsection does not apply to cost-of-service studies used in the develop-
32 ment or review of generally applicable rate schedules.

33 (28) Personally identifiable information about customers of a municipal electric utility or a
34 people's utility district or the names, dates of birth, driver license numbers, telephone numbers,
35 electronic mail addresses or Social Security numbers of customers who receive water, sewer or
36 storm drain services from a public body as defined in ORS 174.109. The utility or district may re-
37 lease personally identifiable information about a customer, and a public body providing water, sewer
38 or storm drain services may release the name, date of birth, driver license number, telephone num-
39 ber, electronic mail address or Social Security number of a customer, if the customer consents in
40 writing or electronically, if the disclosure is necessary for the utility, district or other public body
41 to render services to the customer, if the disclosure is required pursuant to a court order or if the
42 disclosure is otherwise required by federal or state law. The utility, district or other public body
43 may charge as appropriate for the costs of providing such information. The utility, district or other
44 public body may make customer records available to third party credit agencies on a regular basis
45 in connection with the establishment and management of customer accounts or in the event such

1 accounts are delinquent.

2 (29) A record of the street and number of an employee's address submitted to a special district
3 to obtain assistance in promoting an alternative to single occupant motor vehicle transportation.

4 (30) Sensitive business records, capital development plans or financial or commercial information
5 of Oregon Corrections Enterprises that is not customarily provided to business competitors.

6 (31) Documents, materials or other information submitted to the Director of the Department of
7 Consumer and Business Services in confidence by a state, federal, foreign or international regulatory
8 or law enforcement agency or by the National Association of Insurance Commissioners, its affiliates
9 or subsidiaries under ORS 86A.095 to 86A.198, 697.005 to 697.095, 697.602 to 697.842, 705.137, 717.200
10 to 717.320, 717.900 or 717.905, ORS chapter 59, 723, 725 or 726, the Bank Act or the Insurance Code
11 when:

12 (a) The document, material or other information is received upon notice or with an under-
13 standing that it is confidential or privileged under the laws of the jurisdiction that is the source of
14 the document, material or other information; and

15 (b) The director has obligated the Department of Consumer and Business Services not to dis-
16 close the document, material or other information.

17 (32) A county elections security plan developed and filed under ORS 254.074.

18 (33) Information about review or approval of programs relating to the security of:

19 (a) Generation, storage or conveyance of:

20 (A) Electricity;

21 (B) Gas in liquefied or gaseous form;

22 (C) Hazardous substances as defined in ORS 453.005 (7)(a), (b) and (d);

23 (D) Petroleum products;

24 (E) Sewage; or

25 (F) Water.

26 (b) Telecommunication systems, including cellular, wireless or radio systems.

27 (c) Data transmissions by whatever means provided.

28 (34) The information specified in ORS 25.020 (8) if the Chief Justice of the Supreme Court des-
29 ignates the information as confidential by rule under ORS 1.002.

30 (35)(a) Employer account records of the State Accident Insurance Fund Corporation.

31 (b) As used in this subsection, "employer account records" means all records maintained in any
32 form that are specifically related to the account of any employer insured, previously insured or un-
33 der consideration to be insured by the State Accident Insurance Fund Corporation and any infor-
34 mation obtained or developed by the corporation in connection with providing, offering to provide
35 or declining to provide insurance to a specific employer. "Employer account records" includes, but
36 is not limited to, an employer's payroll records, premium payment history, payroll classifications,
37 employee names and identification information, experience modification factors, loss experience and
38 dividend payment history.

39 (c) The exemption provided by this subsection may not serve as the basis for opposition to the
40 discovery documents in litigation pursuant to applicable rules of civil procedure.

41 (36)(a) Claimant files of the State Accident Insurance Fund Corporation.

42 (b) As used in this subsection, "claimant files" includes, but is not limited to, all records held
43 by the corporation pertaining to a person who has made a claim, as defined in ORS 656.005, and all
44 records pertaining to such a claim.

45 (c) The exemption provided by this subsection may not serve as the basis for opposition to the

1 discovery documents in litigation pursuant to applicable rules of civil procedure.

2 (37) Except as authorized by ORS 408.425, records that certify or verify an individual's discharge
3 or other separation from military service.

4 (38) Records of or submitted to a domestic violence service or resource center that relate to the
5 name or personal information of an individual who visits a center for service, including the date of
6 service, the type of service received, referrals or contact information or personal information of a
7 family member of the individual. As used in this subsection, "domestic violence service or resource
8 center" means an entity, the primary purpose of which is to assist persons affected by domestic or
9 sexual violence by providing referrals, resource information or other assistance specifically of ben-
10 efit to domestic or sexual violence victims.

11 (39) Information reported to the Oregon Health Authority under ORS 431.964, except as provided
12 in ORS 431.964 (2)(c) information disclosed by the authority under ORS 431.966 and any information
13 related to disclosures made by the authority under ORS 431.966, including information identifying
14 the recipient of the information.

15 (40)(a) Electronic mail addresses in the possession or custody of an agency or subdivision of the
16 executive department, as defined in ORS 174.112, a local government or local service district, as
17 defined in ORS 174.116, or a special government body, as defined in ORS 174.117.

18 (b) This subsection does not apply to electronic mail addresses assigned by a public body to
19 public employees for use by the employees in the ordinary course of their employment.

20 (41)(a) **Data obtained from the use of a camera worn upon a law enforcement officer's**
21 **body, unless:**

22 (A) **The data depict an incident that results in the investigation of an officer's use of**
23 **force or officer misconduct;**

24 (B) **The data are used as evidence in a court proceeding; or**

25 (C) **All persons depicted in the data who are not law enforcement officers consent to the**
26 **disclosure.**

27 (b) **As used in this subsection, "law enforcement officer" has the meaning given that**
28 **term in section 1 of this 2015 Act.**

29