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# Records Management Policy

## **Policy:**

It is the policy of the Port of Port Orford to manage and retain its public records in a manner that makes them easily retrievable and accessible to the public.

Oregon Revised Statute 192.018 requires all state agencies to have a written policy that sets forth the agency's use, retention, and ownership of public records so that its public records are maintained and managed within the agency from the time of creation of a public record to the time of its final disposition.

ORS 192.018 also requires each state agency to seek the state archivist's review and approval prior to adopting a public records management policy.

This statute also requires the Port of Port Orford to review and, if necessary, update this policy at least once per biennium to reflect changes in law and policies and/or changing business needs and to ensure ongoing accessibility. The Port of Port Orford must submit any updates or revisions to this policy to the state archivist for review and approval, prior to adoption.

The Port of Port Orford elects to adopt, implement, and maintain internal processes and procedures that support compliance, deter abuse and detect violations in accordance with state records management policy.

## **Special situations:**

- A retained record may be subject to public disclosure upon request, even if the law does not require its retention. The statutes requiring public disclosure of records apply more broadly than the statutes requiring records to be retained.
- The law does not require the Port of Port Orford to create a public record that would not otherwise exist.
- The Port of Port Orford must retain only the official copy of a public record. Stocks of publications are not public records and may be preserved for convenience or destroyed.
- The Port of Port Orford will conduct an annual "Records Clean-Out Day" to remove and destroy courtesy copies of documents or to organize original documents.
- When preparing public records for permanent transfer to State Archives, the Port of Port Orford can store the records on paper or on microfilm.

- Port of Port Orford will migrate information to newer formats as older ones become defunct. Any record with a retention greater than 10 years should be saved into a standard format such as .pdf for text; .tiff or .jpeg 2000 for images; .mp3 for audio; and .mp4 for video.

### **General information:**

The goal of this policy is to ensure that the Port of Port Orford's public records are managed and maintained appropriately within the Port of Port Orford by:

- Meeting the requirements of ORS 192.018;
- Establishing ordered and consistent processes for maintaining and managing all records at the Oregon Port of Port Orford, regardless of form or media;
- Generally setting forth the applicable provisions of Oregon's public records law regarding the disclosure of Port of Port Orford public records in response to public records requests; and
- Alerting employees to the complexities of this area of the law.

This policy addresses the following components:

1. Public records maintenance
2. Roles and responsibilities
3. Education and training
4. Access and ownership
5. Integrity
6. Retention generally
7. Storage and retrieval
8. Public records requests
9. Disposition and destruction

The Port of Port Orford shall develop and implement internal processes and procedures that support compliance with this policy, deter abuse, and detect violations of this policy.

### **Definitions:**

**“Cloud computing”** has the meaning as defined in the National Institute of Standards and Technology Special Publication 800-145 and generally refers to the delivery of computing as a service rather than a product, where shared resources, software, and information are provided to computers and other devices as a utility over a network.

**“Custodian”** refers to a public body mandated, directly or indirectly to create, maintain, care for or control a public record. “Custodian” does not include a public body that has possession of a

public record as an agent of another public body that is the custodian, unless the public records is not otherwise available.

**“Instant messages”** or **“instant messaging”** refers to real-time text communications between or among computers or mobile devices over the Internet or functionally similar communications networks.

**“Metadata”** is data that provides information about other data. Metadata assists in resource discovery by allowing resources to be found by relevant criteria, identifying resources, bringing similar resources together, distinguishing dissimilar resources, and giving location information.

**“Public record”** has the meaning established in ORS 192.005, and in general means any information that is:

- (a) Prepared, owned, used, or retained by the Port of Port Orford; AND
- (b) Relates to an activity, transaction, or function of the Port of Port Orford; AND
- (c) Is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements, or needs of the Port of Port Orford .

The following applies to the definition of public record:

- A public record may exist in any format, including in paper form or in electronic form, including email.
- A copy of a record, preserved only for convenience of reference, is not a public record.
- A message on voicemail or on other telephone message storage and retrieval systems is not a public record.
- Public records do not include advertising material received by the Port of Port Orford; general announcements issued by other state agencies (such as PEBB or PERS newsletters); or other recorded materials that are fleeting in nature and do not involve an activity carried out by the Port of Port Orford .
- Text messages and instant messages may constitute public records as discussed below.

**“Routine communication”** refers to generic messages that do not meet the definition of a public record and are not program specific. Examples include, but are not limited to: Notifications that an individual arrived at the person’s destination; the person was running late; or the person had vehicle problems.

**“Social media”** refers to web-based and mobile communication technologies that allow the creation and exchange of user-generated content such as comments or responsive postings. Examples of social media as of the time that this policy is adopted include, but are not limited to: Twitter, Flickr, blogging sites, Facebook, YouTube, and Instagram.

“Text messages”, “text messaging” or “texting” refers to messages exchanged between fixed-line or mobile telephones and fixed or portable devices over a network. Excluded from this definition are email communications, whether such messages are exchanged among or between official State of Oregon email accounts or email accounts maintained by private entities.

“Unified communications” refers to the packaged services or user profiles available to agencies such as instant messaging, video conferencing, telephony, call management, and call control across multiple systems, etc.

### **Policy guidelines:**

1. **Public records maintenance:** The Oregon State Port of Port Orford shall maintain and manage its public records in a manner that protects the integrity of the records within the Port of Port Orford without regard to the technology or medium used to create or communicate the records, from the time of creation of a public record to the time of final disposition of the public record as determined under the Port of Port Orford’s records retention schedules.

2. **Roles and responsibilities:** ORS 192.105 (2)(a) requires the Port of Port Orford to designate an agency records officer to coordinate its records management program. The Port of Port Orford’s records officer will serve as the primary liaison with the state archivist and will receive training from the state archivist to perform the duties of the records officer position.

The Port of Port Orford will ensure that its public records are managed in accordance with its records retention schedules and will assign designated staff positions with the following responsibilities:

a. **Records officer:** The corporate communications/public information manager is the Port of Port Orford’s designated records officer and serves as the liaison with the state archivist.

b. **Oversight:** The corporate communications/public information manager is responsible for general oversight of the Port of Port Orford’s records management program and for developing and maintaining internal operating procedures to address public records requests.

c. **Retention schedules:** The corporate communications/public information manager shall provide and maintain the Port of Port Orford’s records retention schedules and shall ensure that employees are provided with information and receive training on records management and retention. The Port of Port Orford will make this training accessible to all employees.

d. **Training:** The Port of Port Orford’s corporate communications/public information staff are responsible for providing help and guidance to all Port of Port Orford staff to aid them in managing Port of Port Orford records.

e. **Future systems:** The Port of Port Orford will include a representative from the corporate communications/public information section in any analysis and implementation of microfilm or electronic imaging systems, and paper and electronic document or records management systems.

**3. Education and training:** The Port of Port Orford requires that basic public records education be completed as a component of the Port of Port Orford's new employee orientation training and incorporated as part of regular employee training to be completed once a biennium. The Port of Port Orford will utilize appropriate means to provide public records training to its employees.

**4. Access and ownership:** Regardless of how the Port of Port Orford's public records are stored, the Port of Port Orford has custody and control over its public records. Through an on-going review of technological advances, the Port of Port Orford will ensure that all its public records are maintained and accessible for as long as required by its retention schedule or litigation holds. The Port of Port Orford shall migrate public records to keep current with technology and to ensure continuing accessibility.

**Note:** The Port of Port Orford's disaster mitigation processes are addressed in the Port of Port Orford's disaster preparedness and recovery plan and are incorporated herein by this reference. *[The Port's disaster preparedness and recovery plan are pending development]*

**5. Integrity of records:** The Port of Port Orford will ensure that appropriate access and version controls are applied to all electronically stored records from record creation to final disposition. The authenticity of each record may be demonstrated either by certified copy of paper records or by accompanying metadata for all electronic records.

**6. Retention generally:** The Port of Port Orford will preserve, classify, and dispose of its public records in accordance with ORS Chapter 192, OAR Chapter 166-300 and Port of Port Orford Policy #4.600 Information Classification without regard to the technology or medium used to create or communicate the record. The Port of Port Orford will work with the Archives Division to establish retention practices to ensure compliance with ORS Chapter 192 and OAR Chapter 166-300.

a. **Cloud computing:** The Port of Port Orford's practices and procedures with respect to public records management in the Cloud will ensure compliance with Port of Port Orford policies and procedures and OAR Chapter 166-300.

b. **Drafts:** Preliminary or incomplete working drafts are public records subject to disclosure, and they are judged by the same standards as a completed "internal advisory communications." Please refer to page 13 of this policy.

c. **Electronic mail:**

**Note:** Even after email is deleted from an individual's computer, it generally continues to exist on computer back-up tapes, which are also public records. A public body must make all non-exempt emails available for inspection and copying regardless of their storage location.

**A. Official email accounts:** In most circumstances, emails sent to or from an employee's official email account will meet the definition of a public record. It is the Port of Port Orford's policy that virtually all email messages composed or sent using an employee's official equipment and/or official email address be for primarily business purposes.

When the Port of Port Orford receives a public records request or valid subpoena, all email accounts and systems used for Port of Port Orford business are subject to search and production.

**Note:** Employees do not have any expectation of privacy with regard to email accounts and systems.

**B. Personal email accounts:**

**Note:** To the extent that Port of Port Orford employees use personal email addresses to communicate about Port of Port Orford business (to the extent that public records are associated with such addresses), those emails will be subject to search and production. Port of Port Orford employees are strongly encouraged to use only their email accounts to communicate regarding Port of Port Orford business.

If a private account must be used to conduct Port of Port Orford business, the Port of Port Orford requires that employees copy their port email accounts on all such outgoing communications and forward any received messages to their port email accounts if their port email account was not copied immediately or as soon as practicably possible.

**C. Instant Messages:** The Port of Port Orford's policy regarding instant messages is the same as for text messages.

**D. Social media:** Any records placed on any social media platform by the Port of Port Orford must be an accurate copy of an official record that is retained elsewhere by the Port of Port Orford per its records retention schedules. Records placed on any social media platform are assumed to not be owned by the Port of Port Orford. Comments or re-posting of content placed on any social media platform by the Port of Port Orford - when such comments or re-postings themselves appear on a social media platform - are assumed to not be prepared, owned, used, or retained by the Port of Port Orford , and will not be retained.

**Note:** Should the Port of Port Orford choose to copy into its own internal files any such comments or re-postings, such copy is a public record and will be retained by the Port of Port Orford per its records retention schedules.

The Port of Port Orford will develop practices and procedures to manage the Port of Port Orford's use of social media to ensure public records are accurately captured and retained per its records retention schedules

**E. Text messages:**

**Acceptable use:** The Port of Port Orford expects employees to make every effort to avoid sending text messages that include substantive discussions of Port of Port Orford business that meet the definition of a public record.

Examples of acceptable use include, but are not limited to:

- Scheduling
- Requesting a call or email on a matter, without substantive discussion
- Requesting or offering logistical assistance (“Can you help me get these boxes to the courthouse?”)
- Forwarding a person’s contact information
- Explaining a person’s current whereabouts, or inquiring about someone else’s
- Describing or inquiring about facts or events that do not relate to Port of Port Orford business
- Discussing facts or events that do relate to Port of Port Orford businesses that have been or will be separately recorded
- Information that is part of or related to conducting Port of Port Orford business only if that information has been documented elsewhere; or will be documented and retained as a separate public record such as by forwarding the relevant text message to an employee’s official email account

**Recording text messages as public records:** While the Port of Port Orford discourages employees from using texting for Port of Port Orford business, there are time when it may be unavoidable. If an employee creates such a text message on a Port of Port Orford or personal device, it must be documented and retained elsewhere as a separate and official copy of the public record.

**Personal devices:** The Port of Port Orford discourages employees from using their personal electronic devices to transmit text messages related to Port of Port Orford business, and warns employees that their personal device could be subject to search if used to text messages regarding Port of Port Orford business or information that rises to the level of creating a public record.

**F. Unified communications:** The Port of Port Orford will identify public records created by actively using unified communications features and will ensure that those records are appropriately managed in accordance with the Port of Port Orford’s records retention schedules as well as state and federal law and policy.

Port of Port Orford will implement appropriate practices and procedures to accurately capture public records created by the use of active Unified Communications features.

**G. Voice mail:** Unless otherwise required, the Port of Port Orford will not retain messages received on voice mail. Any email transcription of a voice mail that is determined to be a public record will be retained in accordance with its retention schedules and may be subject to public disclosure upon request.

## 7. Storage and retrieval:

a. **Paper records:** The Port of Port Orford will maintain a filing system of the Port of Port Orford’s paper records based on its records retention schedules. The filing system will include the location of the records, retention periods, and procedures for retrieval to ensure accessibility of Port of Port Orford records.

b. **Electronic records:** The Port of Port Orford will maintain a filing system and naming conventions for all Port of Port Orford records stored in electronic format based on the Port of Port Orford's records retention schedules. The filing system and naming conventions will include the location of records in Port of Port Orford directories, retention periods, access controls, and privacy conditions to support management of the Port of Port Orford's inventory of electronic records.

Port of Port Orford will work with the State Archivist to ensure that the retention periods for all records have been met before any data is destroyed and prior to deleting any large electronic records system.

#### **8. Public records requests:**

Under ORS 192.420, every person has a right to inspect any non-exempt public record of a public body in Oregon. The Oregon State Port of Port Orford is a public body subject to the requirements of Oregon's public records law, ORS 192.410 to 192.505. The Port of Port Orford has adopted an administrative rule, OAR 177-010-0100 Requests and Fees for Copies of Public Records. This rule sets forth procedures and the fees that the Port of Port Orford will charge for responding to a public records request. For purposes of responding to requests for Port of Port Orford public records, the Port of Port Orford will disclose its public records, or protect them from disclosure, in accordance with Oregon's public records law, the Port of Port Orford's resolutions and ordinances, this policy, and its internal operating procedures.

*[Once the system is completed]* The Port of Port Orford will respond to all requests for public records as timely as possible, consistent with the proper exercise of judgment relating to the Port of Port Orford's other duties.

Additional policies and procedures related to request for public records such as intake, processing, disclosure, and determinations related to fees and charges are the subject of separate Port of Port Orford resolutions, ordinances, policies, and procedures.

The Port of Port Orford has assigned primary responsibility for dealing with public records requests to the port communications/public information section who works with the Port Manager's office to process requests. All requests for public records are to be directed to the Port Manager's Office Manager.

The Port of Port Orford may consult with the Oregon Attorney General's Office and Special District Association of Oregon before responding to requests.

#### **9. Disposition and destruction of public records:**

Oregon's Public Records Law does not govern the retention and destruction of public records. OAR 166-030-0060 - "Public Records Disposition and Destruction" and the Port of Port Orford's records retention schedules specify how long Port of Port Orford records shall be retained before they are destroyed.

The Port of Port Orford will dispose of and/or destroy public records in accordance with the requirements of the Port of Port Orford's records retention schedules and OAR Chapter 166-300.

In accordance with ORS 357.855, the Port of Port Orford will consult with the state archivist for advice and assistance in determining the disposition of any types of records not addressed in the Port of Port Orford's General or Special Retention Schedules and the reconciliation of any unforeseen issues regarding public records.

Every five years the Port of Port Orford will review and update its records retention schedules, which is approved by the state archivist. The retention schedule and the Secretary of State's administrative rules require the Port of Port Orford to destroy records past their retention date. All of the Port of Port Orford's records are subject to this retention schedule.

**Note:** Under ORS 162.305, it is a crime to knowingly destroy, conceal, remove, or falsely alter a public record. Tampering with an Oregon State Port of Port Orford record is a Class C felony. Tampering with records other than Port of Port Orford records is a Class A misdemeanor. The maximum prison term for a Class C felony is five years. For a Class A misdemeanor, it is one year.

**10. Public records exemptions:** The public records law is primarily a disclosure law, rather than a confidentiality law. The exemptions contained in it are limited in their nature and scope of application because the general policy of the law favors public access to government records.

The fact that particular information meets the tests for exemption from disclosure does not necessarily mean that the Port of Port Orford is prohibited from disclosing the information. In most cases, the Port of Port Orford has discretion to disclose information that otherwise qualifies for exemption from disclosure under the public records law, unless the information is protected by some other law. Please refer to the section on prohibited disclosures below.

**11. Prohibited disclosures:** There are a few instances in which the Port of Port Orford is legally prohibited from disclosing information that is exempt from inspection under the public records law. They are:

**A. Personal safety exemption:** ORS 192.445(1) prohibits disclosure of an individual's home address, personal telephone number, or electronic mail address if the individual demonstrates to the satisfaction of the public body that the personal safety of the individual or the personal safety of a family member residing with the individual is in danger if that information remains available for public inspection.

**B. Employee photo ID badge and card exemption:** ORS 192.447 prohibits disclosure of a public employee identification badge or card without the employee's written consent if the badge or card contains a photograph of the employee and the badge or card was prepared solely for internal use by the public body. The Port of Port Orford's badges do not meet this definition. This statute does prohibit disclosure of a duplicate of the photograph used on the badge or identification card.

**C. "Catch-all" exemption:** ORS 192.502(9) incorporates Oregon statutes outside of the public records law that prohibit the public release of certain types of information or records. An examination of these statutes is beyond the scope of this policy, but please refer to pages 15 and 16 of this policy.

**D. Federal law exemption:** ORS 192.502(8) incorporates federal laws that bar the release of certain types of information or records. An examination of these laws is beyond the scope of this policy, but please refer to pages 15 and 16 of this policy.

**E. Security report:** ORS 461.180(6) provides for a comprehensive study and evaluation of all aspects of security in the operation of the Port of Port Orford , and “notwithstanding other provisions of state law, the portion of the report containing specific recommendations shall be confidential and shall be presented only to the commission, the governor and the director.”

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**References:** ORS Chapter 192  
OAR 166-030-0060 - Public Records Disposition and Destruction  
Oregon State Port of Port Orford Records Retention Schedule  
The Oregon Attorney General’s Public Records and Meetings Manual

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**Attachment:** Summary of Public Records Law

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## ATTACHMENT

The following is a general summary based upon materials found in the “Attorney General’s Public Records and Meetings Manual” Copyright 2014. This attachment contains highlights of some of the different areas of public records law as it may affect the Port of Port Orford. This is intended to be a general summary and to alert employees to some of the areas that can cause issues, and will be updated as legislation or court cases revise the public records law.

**The conditional exemptions of ORS 192.501:** Each of the exemptions listed in ORS 192.501 exempts specific types of records or information from disclosure “unless the public interest requires disclosure in the particular instance.” This requires a balancing test on a case-by-case basis. The policy underlying the conditional exemptions is that disclosure decisions should be based on balancing those public interests that favor the disclosure of governmental records against those public interests that favor government confidentiality, with the presumption always being in favor of disclosure. The Port of Port Orford will consult with the Oregon attorney general in such cases because the outright release of such information could subject the Port of Port Orford to claims of liability for damages or claims for declaratory or injunctive relief.

Only the exemptions listed in ORS 192.501 that apply to the Port of Port Orford are listed here. The complete list is contained in the statute.

- 1. Public records pertaining to litigation:** Public records pertaining to court litigation to which the public body is a party are conditionally exempt under ORS 192.501(1). This is a very narrow exemption and does not apply once the litigation is concluded.
- 2. Trade secrets:** Trade secrets as defined in ORS 192.501(2) are conditionally exempt, but ORS 646.461 to 646.475, the Uniform Trade Secrets Act, more broadly defines what constitutes a trade secret and prohibits misappropriation of a trade secret. Port of Port Orford staff should consult with the Oregon attorney general before releasing records that may contain a trade secret.
- 3. Criminal investigatory material:** Investigatory information compiled for criminal law purposes is conditionally exempted under ORS 192.501(3).
- 4. Tests and examination material:** ORS 192.501(4) conditionally exempts test questions, scoring keys, and other data used to administer a licensing examination, employment, academic, or other examination or testing procedure.
- 5. Employee representation cards:** ORS 192.501(7) conditionally exempts the names and signatures of employees who sign authorization cards or petitions for the purpose of requesting representation or decertification elections.
- 6. Civil rights investigation material:** ORS 192.501(8) conditionally exempts investigatory material relating to any complaint filed under ORS 659A.820 or ORS 659A.825 until such time as the complaint is resolved under ORS 659A.835, or until a final order is issued under ORS 659A.850.

**7. Unfair labor practice complaints:** ORS 192.501(9) conditionally exempts investigatory information relating to any complaint or charge filed under ORS 243.676 and 663.180 relating to unfair labor practices and complaints of refusal to comply with any provision of a final and binding arbitration award. The complaint itself is not exempt from disclosure.

**8. Personnel discipline actions:** ORS 192.501(12) conditionally exempts a personnel discipline action, or materials or documents supporting that action, when the investigation is complete and a sanction is imposed. It does not protect records where no sanction is imposed, or when the employee resigns during the investigation or in lieu of a sanction being imposed.

**9. Computer programs for the use of public bodies:** ORS 192.501(15) conditionally exempts computer programs developed or purchased by or for a public body for its own use.

**10. Unsafe workplace investigation materials:** ORS 192.501(17) conditionally exempts investigatory information relating to any complaint or charge filed under ORS Chapter 654 until a final administrative determination is made, or if a citation is issued, until an employer receives notice of any citation. ORS 654 governs safety and health in the workplace.

**11. Public safety plans:** ORS 192.501(18) exempts specific operational plans in connection with an anticipated threat to individual or public safety for deployment and use of personnel and equipment, prepared or used by a public body, if public disclosure of the plans would endanger an individual's life or physical safety or jeopardize a law enforcement activity.

**12. Interference with property or services:** ORS 192.501(22) exempts from disclosure information that would allow a person to gain unauthorized access to buildings or other property, public funds, information processing systems, or to identify areas of vulnerability that would permit unlawful disruption to or interference with public services or a public body's information processing systems.

**13. Security measures:** ORS 192.501(23) exempts from disclosure records or information that would reveal or otherwise identify security measures, or weaknesses or potential weaknesses in security measures, taken or recommended to be taken to protect an individual, buildings or other property, information processing, communication or telecommunication systems, including the information contained in the systems, or those operations of the Port of Port Orford the security of which are subject to study and evaluation under ORS 461.180(6).

**14. Financial transfer records:** ORS 192.501(27) exempts information provided to, obtained by, or used by a public body to authorize, originate, receive, or authenticate a transfer of funds, including, but not limited to, a credit card number, payment card expiration date, password, financial institution account number, and financial institution routing number.

**The exemptions of ORS 192.502:** ORS 192.502 contains a list of public records that are generally exempt from disclosure under the public records law. This statute does not contain the condition “unless the public interest requires disclosure in the particular instance,” which applies to all exemptions in ORS 192.501. However some of the following exemptions do contain language of condition as noted. The Port of Port Orford will consult with the Oregon attorney general in such cases because the outright release of such information could subject the Port of Port Orford to claims of liability for damages or claims for declaratory or injunctive relief.

Only the exemptions listed in ORS 192.502 that apply to the Port of Port Orford are listed here. The complete list is contained in the statute.

1. **Internal advisory communications:** ORS 192.502(1) exempts communications within a public body or between public bodies of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to any final agency determination of policy or action. This exemption does not apply unless the public body shows in the particular instance the public interest in encouraging frank communication between officials and employees of public bodies clearly outweighs the public interest in disclosure.

2. **Personal privacy exemption:** ORS 192.502(2) exempts information of a personal nature such as, but not limited to, that kept in a personal, medical, or similar file, if public disclosure would constitute an unreasonable invasion of privacy, unless the public interest, by clear and convincing evidence, requires disclosure in the particular instance. The party seeking disclosure has the burden of showing that public disclosure would not constitute an unreasonable invasion of privacy.

3. **Public employee addresses, social security numbers, birth dates, and telephone numbers:** ORS 192.502(3) exempts public body employee or volunteer addresses, social security numbers, dates of birth, and telephone numbers contained in personnel records maintained by the public body that is the employer or the recipient of volunteer services. It does not apply to situations where the requestor demonstrates by clear and convincing evidence that the public interest requires disclosure in a particular instance.

4. **Confidential submissions:** ORS 192.502(4) exempts information submitted to a public body in confidence, and not otherwise required by law to be submitted, where such information should reasonably be considered confidential, the public body has obliged itself in good faith not to disclose the information, and when the public interest would suffer by the disclosure.

5. **Federal law exemption:** ORS 192.502(8) exempts any public records or information the disclosure of which is prohibited by federal law or regulations.

6. **Other Oregon statutes establishing specific exemptions:** ORS 192.502(9) exempts public records or information the disclosure of which is prohibited or otherwise made confidential or privileged under Oregon law.

7. **Transferred records:** ORS 192.502(10) exempts public records or information described in this section, furnished by the public body originally compiling, preparing, or receiving them, to any other public officer or public body in connection with performance

of the duties of the recipient, if the considerations originally giving rise to the confidential or exempt nature of the public records remain applicable.

8. **Alternative transportation addresses:** ORS 192.502(28) exempts a record of the street and number of an employee's address submitted to a special district to obtain assistance in promoting an alternative to single occupant motor vehicle transportation.

9. **Security programs:** ORS 192.502(32) exempts information about review or approval of programs relating to security of the generation, storage, or conveyance of electricity, gas, hazardous substances, petroleum products, sewage, or water; and programs relating to telecommunications systems and data transmission by whatever means provided.

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**Separation of exempt and non-exempt material:** ORS 192.505 provides that if any public record contains material that is not exempt under ORS 192.501 and 192.502, as well as material that is exempt from disclosure, the public body shall separate the exempt and non-exempt material and make the non-exempt material available for examination.

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**Records more than 25 Years old:** Generally the public records law does not exempt from disclosure records that are more than 25 years old. (ORS 192.495) Exceptions to this requirement are provided in ORS 192.496.

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Port of Port Orford **specific items:** ORS Chapter 461 provides Port of Port Orford -specific information regarding Port of Port Orford records as follows:

1. **Commission records:** ORS 461.100(8) provides that "Records of the commission shall be open and available to the public in accordance with state law."

2. **Port of Port Orford budget:** ORS 461.140 provides that "Before December 1, the Port Manager or staff shall not reveal to any other person the contents or nature of the Port of Port Orford's budget and other materials, except with the written consent of the commission."

3. **Security report:** As discussed on page 10, ORS 461.180(6) provides for a comprehensive study and evaluation of all aspects of security in the operation of the Port of Port Orford, and those portions of the report containing specific recommendations are confidential and may only be presented to the Port of Port Orford commission, the governor, the Port Manager, and Office Manager.

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**Other exemptions:** The following materials, provided in, or in conjunction with, the Application Form for Retailer Contract and Personal Disclosure Form, a Vendor Disclosure Form or Bid Proposal, and certain prizewinner information, are prohibited or exempt from disclosure. The following information and documents will not be disclosed or provided in response to a public records request under the laws and conditions noted:

1. **Social security numbers:** ORS 192.502(2), the federal Freedom of Information Act exemption, 5 USC § 552(b), Section 7 of the federal Privacy Act and 42 USC § 405(c). A social security number cannot be disclosed unless specifically required by law, i.e., provided to the Internal Revenue Service or the Oregon Department of Revenue for tax purposes; or to the Oregon Department of Justice for child support enforcement; or for the purpose of establishing the identification of individuals affected by any “general public assistance” laws within Oregon; or unless the individual has been given notice of its use and has voluntarily provided the individual’s social security number for that purpose. Except when provided for tax or child support enforcement or general public assistance purposes, the Port of Port Orford will consult with the Oregon attorney general and Special District Association of Oregon before providing a social security number.

2. **Personal bank information and federal tax identification numbers:** ORS 192.502(2), (7), and (8).

3. **Home addresses and telephone numbers:** ORS 192.502(2). Home addresses and telephone numbers of prizewinners may not be exempt from disclosure unless the individual has taken steps to protect this information, i.e., obtained an unlisted telephone number.

4. **State and federal tax returns:** ORS 192.502(8) and (9), the Oregon Revenue Code, ORS 314.835, and the Internal Revenue Code, § 6103.

5. **Taxes past due at time of application for a retailer contract:** ORS 192.502(8) and (9), Internal Revenue Code, § 6103, and the Oregon Revenue Code, ORS 314.835.

6. **Arrests, indictments, or convictions for criminal offenses:** ORS 192.502(2) and (8), ORS 181.548, OAR 257-010-0025, Freedom of Information Act, 5 USC § 552, and ORS 137.225. Arrest, indictment, and conviction information received by the Port of Port Orford through state or criminal information systems is exempt from disclosure under the public records law and will not be disclosed. However, when this information is provided by the applicant, it will be considered for release on a case-by-case basis under ORS 192.502 if the requestor can show by clear and convincing evidence that the public interest requires disclosure in the particular instance.

7. **Trade secrets or confidential submissions:** ORS 192.501(2), ORS 192.502(4), *Premier Technology v. Oregon State Port of Port Orford*, 136 Or App 124, 901 P2d 883 (1995). As discussed above, trade secrets are likely exempt from disclosure and the Oregon attorney general or Special District Association of Oregon should be consulted before release of any record containing a trade secret. Information submitted in confidence, including any information marked by a retailer or vendor as confidential, should not be released unless Port of Port Orford staff has consulted with the Oregon attorney general and release of the information has been authorized.