



Agency report of activities under ORS 182.162 to 182.168

December 2023

This report is submitted to the Governor and the Legislative Commission on Indian Services by the Office of the Public Records Advocate, per the requirements of ORS 182.166.

The Office of the Public Records Advocate (“the Office”) was created by SB 106 (2017). At that time, the status of the Office as an independent state agency was unclear, and it received statutorily prescribed administrative support from the Secretary of State and had its budget held and administered by the Department of Administrative Services (DAS). It was not until the passage of SB 500 during the 2021 legislative session that the Office was established “as an independent office within the executive department, separate and distinct from any other state agency”. However, the budget was not transferred to the Office until the 2023 legislative session pursuant to HB 5032 and SB 510. As the office continues to normalize its operations as a state agency to establish and enact administrative rules and policies governing its operations, it will incorporate policies regarding government-to-government relations between states and tribes.

The Office fully supports the goals embodied in ORS chapter 182. To that end:

- (a) The Office has two (out of three) statutorily prescribed core program areas relevant to the requirements of ORS 182.164; the mediation of disputed public records requests and an extension of our mandate to offer public employee trainings to interested members of the public as well. The Office is limited in its ability to offer services that affects tribes as the public records law prohibits one public body of making a public records request of another. Moreover, tribal governments do not fall under the authority of the Oregon public records law, and thus would not be eligible to receive trainings. Nevertheless, the office stands ready to assist any tribal member who wishes to make a public records request of a state or local government in Oregon in their individual capacity and will take greater steps to promote our availability as described below. In addition, the Office is extending its outreach to interested affinity groups who may wish to receive trainings as public records requesters and will take greater steps to promote our availability as described below.
- (b) Todd Albert, Public Records Advocate, and Yufeng Luo, Deputy Public Records Advocate, are responsible for developing and implementing programs of the Office that affect tribes.
- (c) The Office has reviewed its three core program areas in conjunction with our authorizing statute to identify programs that affect tribes. While none affect tribes directly, the Office



has identified disputed public records request mediation and public trainings as programs that could be beneficial to tribal members.

- (d) The Office has previously attended Tribal-State Government-to-Government Annual Summits to inform tribal leaders directly of the services offered and available to tribal members. The Office intends to begin outreach in 2024 to tribal governments and affinity groups to inform them of what services the Office can offer on public records issues as well.
- (e) The Office is a two-person state agency. As such, both employees work closely together on all relevant matters and share information necessary to the successful operation of the office. Furthermore, neither employee has regular communication with tribes on the legal status of tribes, the legal rights of members of tribes, or issues of concern to tribes. Thus, no employee training is required.
- (f) The Public Records Advocate has provided the Deputy Public Records Advocate with a copy of this report and ORS Chapter 182.