

# Issue Brief

## OREGON CORRECTIONS ENTERPRISES



# Public Records Exemption

## Overview

Established in 1999 through the passage of Ballot Measure 68, Oregon Corrections Enterprises (OCE) is a semi-independent organization, whose administrator reports to the director of the Oregon Department of Corrections (DOC). OCE plays an important role in carrying out Ballot Measure 17, the constitutional mandate to engage male and female adults in custody (AICs) in meaningful work. **By statute, OCE is funded solely through the sales of its products and services.**

The mission of OCE, in partnership with DOC, is to promote public safety by providing AICs with meaningful work experience in a self-sustaining organization. OCE plays an important role in implementing DOC's Oregon Accountability Model (OAM). The OAM is a cohesive strategy to reduce recidivism and influence AICs to make effective changes, leading to better outcomes. Through the development of positive work ethics and job skills, OCE assists AICs in their transition to realizing their potential as productive citizens, creating positive outcomes, while contributing to society and their families.

## Public Information

Oregon enacted the Public Records Law in 1973. The underlying policy of the law entitles the public to know how the public's business is conducted. The Public Records Law advances the policy by granting the public a broad right to examine records created, maintained, cared for, or controlled by public bodies.

The Oregon Public Records Law is found at ORS 192.410 to 192.505. The basic rule of the public records law is set out in ORS 192.420(1), which provides:

*Every person has a right to inspect any public record of a public body of this state, except as otherwise expressly provided by ORS 192.501 to 192.505.*

OCE strives to maintain transparency while operating in a traditional business format.

## Exemptions

The Public Records Law contains a list of records exempt from disclosure. OCE's exemption is as follows:

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

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

By granting OCE this exemption, the legislature recognizes the need to keep certain financial, partnership, and intellectual property confidential; ensuring OCE's long-term viability as a self-sustaining organization. This exemption levels the playing field while still allowing for public information requests for non-business related information. Thus, recognizing competitors could utilize these requests to access vital business information not normally available, gaining an unfair advantage in the market.

## Summary

The director of the Department of Corrections bears ultimate responsibility for OCE and, for practical purposes, is its chief executive officer.

- OCE is able to enter into agreements with public, private, government, nonprofit or for-profit persons or entities to engage AICs in work.
- OCE is exempt from public records disclosure for certain types of business records.
- Income and revenue generated is plugged back into OCE to continue operations.
- OCE is required to report annually on its activities and operations to the governor as well as the Legislative Assembly.
- An OCE advisory council is in place and includes members from banking, organized labor and private

business.

- OCE's administrator is appointed by and shall serve at the pleasure of the director of the Department of Corrections.



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