

# Public Records and Public Meetings Law

Commission on Statewide Law Enforcement Standards of Conduct<sup>1</sup>

## 1. Who Is subject to the Public Meetings Law?

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The Public Meetings Law applies to any governing body of a public body. A “governing body” is “the members of any public body which consists of two or more members, with the authority to make decisions for or recommendations to a public body on policy or administration.”<sup>2</sup> The Commissioners for the Commission on Statewide Law Enforcement Standards are a “governing body.”

## 2. What meetings are subject to the Public Meetings Law?

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ORS 192.610(5) defines “meeting” as “the convening of a governing body of a public body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter.” This definition is broader than a physical or virtual gathering and includes email or other electronic communication among a quorum of the governing body.

Except as otherwise provided in the Public Meetings Law, all meetings of a public body’s governing body must be open to the public. In addition, a quorum of a governing body may not meet in private for the purpose of deciding on or deliberating toward a decision on any matter, except as otherwise provided by the Public Meetings Law.<sup>3</sup>

## 3. What is a quorum of the Commission?

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Eight commissioners.<sup>4</sup>

## 4. How can the Commission maintain compliance with the Public Meetings Law?

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Commission staff prepare and transmit public meeting notices as required by the Public Meetings Law. A quorum of Commissioners must not gather for the purpose of conducting commission business outside a meeting that has been properly noticed by staff. This includes email strings or conference calls that include a quorum of Commissioners.

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<sup>1</sup> the Commission

<sup>2</sup> ORS 192.610(3)

<sup>3</sup> ORS 192.630(1) and (2).

<sup>4</sup> ORS 243.812(8).

## 5. How can individual commissioners share items of interest to other commissioners in between meetings?

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We understand that individual Commissioners may want to share information and documents with other commissioners. This information should be transmitted to [ORLawEnfCommission@doj.state.or.us](mailto:ORLawEnfCommission@doj.state.or.us). Staff will post any documents and commentary received to [the Commission website](#).

## 6. Are Commissioners subject to the Public Records Law?

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Yes.<sup>5</sup>

## 7. What are public records that must be archived?

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Any information that:

- (A) Is prepared, owned, used or retained by a state agency or political subdivision;*
- (B) Relates to an activity, transaction or function of a state agency or political subdivision; and*
- (C) Is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the state agency or political subdivision.<sup>6</sup>*

Records of commissioners and staff that relate to the Commission business must be retained.

## 8. How can the Commission maintain compliance with the public records law?

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Commissioners and staff must transmit records to Commission staff at [ORLawEnfCommission@doj.state.or.us](mailto:ORLawEnfCommission@doj.state.or.us). Staff will archive the records as required by law. Commissioners shall also copy any emails relating to Commission business to [ORLawEnfCommission@doj.state.or.us](mailto:ORLawEnfCommission@doj.state.or.us) for archiving.

## 9. What are the public records that the public has a right to inspect?

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Except for records that are exempt from public disclosure by law, every person has a right to inspect any public record of a public body in this state. For this purpose, a “public record” is defined to include “any writing that contains information relating to the conduct of the

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<sup>5</sup> ORS 243.812(6) and ORS 192.311(4)

<sup>6</sup> ORS 192.005(5)

public's business\* \* \*prepared owned, used or retained by a public body regardless of physical form or characteristics." A "public record" expressly excludes "any writing that does not relate to the conduct of the public's business and that is contained on a privately owned computer." ORS 192.311(5).

## 10. What is a Commissioner's responsibility if they do not transmit records to DOJ for archiving?

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The Commissioner would be responsible for maintaining any records not transmitted to DOJ throughout the retention periods for the record. Keep in mind that the retention periods will most likely be longer than the Commissioner's term of service. In addition, the Commissioner would be responsible for producing public records in response to a public records request. Transmitting all records to DOJ for archiving will avoid these responsibilities.

## 11. I still have questions. Where can I get more information?

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The Attorney General's Public Records and Meetings Manual (2019) is available [online](#). You may also email specific questions to the Commission staff at [ORLawEnfCommission@doj.state.or.us](mailto:ORLawEnfCommission@doj.state.or.us).