



Overview of Oregon's Public Meetings and Public Records Laws

Task Force on Removing Barriers to Jury Service

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Oregon Public Meetings Law

“The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of [the Public Meetings Law] that decisions of governing bodies be arrived at openly.”

- Task Force is both a “public body” and a “governing body”
 - “Public body” means the state, any regional council, county, city or district, or any municipal or public corporation, or any board, department, commission, council, bureau, committee or subcommittee or advisory group or any other agency thereof.
 - “Governing body” means 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.

Oregon Public Meetings Law

Key Requirements of the Public Meetings Law:

- For public bodies to hold meetings and make decisions in a manner that is open to the public unless an executive session is authorized.
- For public bodies to give notice of meetings and to take minutes or otherwise record meetings.
- For public bodies to comply with statutory requirements regarding location, voting, accessibility of public meetings, and others.

Oregon Public Meetings Law

- A “meeting” does not include:
 - On-site inspection of projects or programs, or
 - Attendance of members at any national, regional, or state association to which the public body or the members belong.
- A gathering of less than a quorum of a governing body is not a “convening” and therefore not a “meeting,” unless the participants use serial electronic written communication or an intermediary to communicate as a quorum.

Oregon Public Meetings Law

Using serial electronic written communication or intermediaries to communicate about official business that ultimately includes a quorum will constitute a meeting and the public meeting requirements apply.

Exemptions:

- Private executive sessions may be held to discuss certain matters such as litigation matters and legal advice.
- Some specific types of meetings are statutorily exempt from public meetings requirements.



Oregon Public Records Law

- Jury Task Force is a public body
- “Public body” includes every state officer, agency, department, division, bureau, board and commission; every county and city governing body, school district, special district, municipal corporation, and any board, department, commission, council, or agency thereof; and any other public agency of this state
- Every person has a right to inspect any public record of a public body in this state, unless an exemption applies



Oregon Public Records Law

- Public records include “any writing that reflects conduct of the public’s business” that is “prepared, owned, used, or retained by a public body”.
- Examples include:
 - Paper and electronic documents
 - Emails and instant messages
 - Phone logs, voicemails, and text messages
 - Video and audio records
 - Photos
 - Data



Oregon Public Records Law

- Creating or storing a record on your personal device or email **DOES NOT** turn a public record into a private record.
- This includes personal phone communications and emails.
- Be careful communicating on personal devices and accounts.
- It may subject the device or account to a search if a public records request is made.



Oregon Public Records Law

- Retain Task Force-related records and communications you:
 - Create
 - Use
 - Retain
- For a minimum of two years
- Everything else can be deleted



Public Records Exemptions

- There are many conditional and unconditional exemptions (see ORS 192.345 and 192.355). Some that may apply are:
 - Internal advisory communications
 - Privileged communications
 - Public employee address, birth date, social security number and telephone number
 - Records that, if produced, would be an invasion of personal privacy



Record Request Procedures

- The public may submit requests for Task Force records.
- If you receive a request, please route it to the Task Force via email or the Task Force website as soon as possible.
- Requests must be in writing and acknowledged within 5 business days.
- Your organization may have its own processes.
- You will have an opportunity to review any records prior to a decision on whether to release.
- Must respond with 15 business days, if possible.

Tips/Takeaways



- Communicate thoughtfully and intentionally
- If possible, avoid using personal devices or accounts
- If you receive a request, coordinate the response with the Oregon Judicial Department



Thank You