



POLICY REGARDING UNMANNED AIRCRAFT SYSTEMS (DRONES) OPERATION

FINANCE/INFORMATION TECHNOLOGY PROCEDURE NO. 15

SUBJECT: UNMANNED AIRCRAFT SYSTEMS (UAS)

PURPOSES: To provide guidelines for the use of Unmanned Aircraft Systems by city employees for city purposes.

To provide policies and procedures for the use, storage, accessing, sharing and retention of data, including but not limited to video and audio recordings, resulting from the operation of the unmanned aircraft system (collectively referred to as "UAS data use.") [ORS 837.362]

POLICY: Unmanned Aircraft System equipment may be used by approved City of Lake Oswego personnel as provided in this policy. The UAS data use shall be as stated in this policy.

AUTHORITY &

RESPONSIBILITY: The Chief Technology Officer shall have primary responsibility for interpreting and administering this policy. The Chief Technology Officer may delegate the administration of this policy to other City employees, including those not within the Information Technology Department, upon approval of the employee's department head.

All UAS data use by employees shall be in accordance with these policies and procedures. The Chief Technology Officer or designate(s) shall review this Policy with employees prior to UAS data use.

I. DEFINITIONS

- A. Unmanned Aircraft: An aircraft operated without the possibility of direct human intervention from within or on the aircraft.
- B. Unmanned Aircraft System (UAS): An unmanned aircraft and its associated

elements (including communication links and the components that control the unmanned aircraft) that are required for the safe and efficient operation of the unmanned aircraft in the national airspace system.

- C. Small Unmanned Aircraft System (sUAS): A UAS in which the aircraft weighs < 55 pounds on takeoff, including everything on board and attached to the aircraft.
- D. Media: A broad spectrum of media, including, but not limited to, photos, video, and audio. Electronic Media shall be media obtained or stored in digital or other electronic format.
- E. Image Capturing Device: A device that can record video, audio and still images.
- F. UAS Pilot: A city employee exercising control over the UAS during flight. The Chief Technology Officer, in consultation with the Assistant City Manager, shall designate city employees to be UAS Pilots, upon completion of such training as deemed appropriate by the Chief Technology Officer, in consultation with the Assistant City Manager, for the operation of sUAS pursuant to this Policy. Such designated employees may be collectively referred to as a part of the “Lake Oswego Aerial Imaging Team.”
- G. UAS Activity: The operation of a UAS to observe from an aerial perspective, and includes obtaining media from aerial operation of the UAS.
- H. UAS Data Use Person: A city employee responsible for or engaged in the use, storage, accessing, sharing and retention of data, including but not limited to video and audio recordings, resulting from the operation of the UAS. The UAS Pilot shall be also be a UAS Data Use Person until the UAS Pilot transfers the data to another UAS Data Use Person.

II. PERMITTED USES

- A. A UAS may be used when necessary or convenient to the conduct of City business within the scope of activities of any City department.

Exception: The Police Department and Fire Department shall not use a UAS for law enforcement purposes notwithstanding ORS 837.320, 837.330, 837.340 (See Attachment 1).

Use of a UAS by the Police Department and Fire Department for the following purposes shall comply with the statutory requirements (See Attachment 1):

- Search and Rescue; Emergencies: ORS 837.335
- Training: ORS 837.345

- B. Possible UAS use includes the following:
1. Live “birds-eye” and high-resolution imaging (e.g., scene mapping, damage assessment)
 2. Access and perspective (e.g., 360° circuit around a structure, view from otherwise inaccessible location)
 3. Emergency operations (but see Subsection A above)
 - a. Search
 - b. Rescue
 - c. Fire suppression
 - d. Fire observation
 - e. Wildfire
 - f. Earthquake
 - g. Flood
 4. Non-emergency operations (but see Subsection A above)
 - a. Training and exercises
 - b. Structural Inspections
 - c. GIS mapping
 - d. Construction tracking
 - e. Natural Resource observation
 - f. Public information / public education
- C. Planned UAS Activity. Prior to initiating a UAS activity:
1. The employee requesting the UAS Activity shall set forth in writing (including email) to the UAS Pilot:
 - a. Date(s) and time(s) of requested UAS Activity
 - b. Describe requested UAS Activity: what is the purpose of the UAS activity; what observations / images are desired.
 - c. Describe format of image capturing, if requested, e.g., video only, photo only, infrared
 - d. State how the UAS observation or captured media is necessary or convenient to the conduct of City business within the scope of the

UAS requester's department or job duties.

- e. State any limitations on the UAS Activity, e.g., times, distance from subject object to be observed, legal constraints.
- f. State to whom the media is to be transferred to after the UAS activity, verifying that the person is a UAS Data Use Person.

- 2. The UAS Pilot shall acknowledge receipt of the UAS Activity request to the UAS Activity requestor of the requested means of performance and limitations, and state any limitations the UAS Pilot believes necessary or prudent for the safe operation of the UAS. A copy of the request and acknowledgment shall be submitted to the Chief Technology Officer or designate(s) prior to commencing the UAS Activity.
- 3. Within one business day following the completion of the UAS Activity (unless extended by the Chief Technology Officer or designate(s)), the UAS Pilot will report the completion of the UAS Activity to the requestor, note any exceptions made to the planned limitations of the UAS Activity, state any unusual / unexpected events that occurred during the UAS Activity, notable observations made by UAS Pilot, and name the UAS Data Use Person the media has been or will be transferred. If the media has not yet been transferred when the report is made, state when the media transfer will be completed, and then confirm following transfer of the media that the transfer has been made. If the requestor is the designated UAS Data Use Person, the report may state that the media is transferred with the report, or a link provided to the UAS Data Use person to transfer the media.

D. UAS Data Use.

- 1. All media obtained from UAS activities shall be transferred by the UAS Pilot to a UAS Data Use Person per Section C(3) above. Until transferred, the UAS Pilot shall exercise reasonable and customary means and methods to preserve the media.
- 2. The UAS Pilot shall store the media in the City systems as soon as reasonably convenient following the completion of the UAS Activity. The media shall be stored in the same as if the media were obtained by conventional means. For example, digital photos and videos shall be uploaded to the City's computer system into the UAS Pilot's appropriate file directories, e.g., by date or department, where the digital photos and videos will be backed up as part of the normal computer data backup

process.

3. Either the UAS Pilot or UAS Data Use Person may transfer the media to the UAS Data Use Person's file directory.
 4. Any employee may access the UAS data use as necessary or convenient to perform their duties.
 5. All media is a "public record" under the Oregon Public Records Law, ORS 192.311 et seq., and is subject to public disclosure and exemptions in accordance with the Oregon Public Records Law, including ORS 192.345 (Attachment 2), or as otherwise specified by applicable state or federal law.
 6. The media will be retained in compliance with the City's Records Retention Schedule, based upon the type and nature of the media. (The Retention Schedule is based upon state and federal law.) The Records Retention Schedule is available at [OAR 166-200](#).
 7. The City Recorder, Chief Technology Officer, and any department head may access the UAS data use to assure the media from UAS Activity is obtained, transferred, and retained in accordance with this Policy.
 8. No third party storage of the UAS data use may occur without approval of the Chief Technology Officer, City Recorder, and City Attorney. (Amendment of this Policy may be necessary per ORS 837.362 to address third party storage of media.)
 9. Disclosure of data (images, sound, etc.) to other governmental entities shall be in accordance with an intergovernmental agreement per ORS Ch. 190 approved by the City Attorney, and shall require the governmental entity to comply with federal and Oregon law for the use, disclosure, or distribution of the data.
- E. All UAS flights will be in compliance with FAA rules and regulations and Oregon law and regulations.

III. AIRCRAFT & OPERATION

- A. A sUAS (Small Unmanned Aircraft System) is the only UAS that this Policy authorizes UAS Pilots to operate.
- B. The Chief Technology Officer or designee shall accept for service such UASs for city operations as are determined to be airworthy per FAA standards, and shall

establish a maintenance program. UAS Pilots shall only operate UAS that are accepted for operation, current on any required maintenance inspections, and appear to be in good working order.

- C. The Chief Technology Officer or designee(s) shall create and maintain a maintenance log for each UAS that is accepted for operation under this Policy. UAS Pilots shall enter maintenance information as required by FAA or other regulatory bodies into the maintenance log.

IV. INFORMATION TO BE POSTED ONLINE

- A. Flight logs will be made available online.
- B. This policy shall be posted online.
- C. The address for the online postings required under this policy shall be www.lakeoswego.city/drone or such other page link without the City's website as determined by the Chief Technology Officer.

APPROVED:

City Manager Scott Lazenby

Date: June _____, 2019

Attachment 1 – ORS 837.310 – 837.345

[See ORS Ch. 837 link (https://www.oregonlegislature.gov/bills_laws/ors/ors837.html) for any changes to the text following the adoption of this policy; the City Recorder may update Attachment 2 when the text is revised.]

Attachment 2: ORS 192.345

[See ORS Ch. 192 link (https://www.oregonlegislature.gov/bills_laws/ors/ors192.html) for any changes to the text following the adoption of this policy; the City Recorder may update Attachment 2 when the text is revised.]

ORS 837.310 Restrictions; exceptions. (1) Except as otherwise provided in ORS 837.310 to 837.345, a law enforcement agency may not operate an unmanned aircraft system, acquire information through the operation of an unmanned aircraft system or disclose information acquired through the operation of an unmanned aircraft system.

(2) Any image or other information that is acquired through the use of an unmanned aircraft system by a law enforcement agency in violation of ORS 837.310 to 837.345, and any evidence derived from that image or information:

(a) Is not admissible in, and may not be disclosed in, a judicial proceeding, administrative proceeding, arbitration proceeding or other adjudicatory proceeding; and

(b) May not be used to establish reasonable suspicion or probable cause to believe that an offense has been committed. [2013 c.686 §2; 2015 c.315 §2]

ORS 837.320 Authorized use upon issuance of warrant; exigent circumstances. (1) A law enforcement agency may operate an unmanned aircraft system, acquire information through the operation of an unmanned aircraft system, or disclose information acquired through the operation of an unmanned aircraft system, if:

(a) A warrant is issued authorizing use of an unmanned aircraft system; or

(b) The law enforcement agency has probable cause to believe that a person has committed a crime, is committing a crime or is about to commit a crime, and exigent circumstances exist that make it unreasonable for the law enforcement agency to obtain a warrant authorizing use of an unmanned aircraft system.

(2) A warrant authorizing the use of an unmanned aircraft system must specify the period for which operation of the unmanned aircraft system is authorized. In no event may a warrant provide for the operation of an unmanned aircraft system for a period of more than 30 days. Upon motion and good cause shown, a court may renew a warrant after the expiration of the 30-day period. [2013 c.686 §3; 2015 c.315 §3]

Note: See note under 837.300.

ORS 837.330 Written consent. A law enforcement agency may operate an unmanned aircraft system for the purpose of acquiring information about an individual, or about the individual's property, if the individual has given written consent to the use of an unmanned aircraft system for those purposes. [2013 c.686 §4; 2015 c.315 §4]

Note: See note under 837.300.

ORS 837.335 Search and rescue; use in emergencies. (1) A law enforcement agency may operate an unmanned aircraft system, acquire information through the operation of an unmanned aircraft system, or disclose information acquired through the operation of an unmanned aircraft system, for the purpose of search and rescue activities, as defined in ORS 404.200.

(2) A law enforcement agency may operate an unmanned aircraft system, acquire information through the operation of an unmanned aircraft system, or disclose information

acquired through the operation of an unmanned aircraft system, for the purpose of assisting an individual in an emergency if:

(a) The law enforcement agency reasonably believes that there is an imminent threat to the life or safety of the individual, and documents the factual basis for that belief; and

(b) Not more than 48 hours after the emergency operation begins, an official of the law enforcement agency files a sworn statement with the circuit court that describes the nature of the emergency and the need for use of an unmanned aircraft system.

(3) A law enforcement agency may operate an unmanned aircraft system, acquire information through the operation of an unmanned aircraft system, or disclose information acquired through the operation of an unmanned aircraft system, during a state of emergency that is declared by the Governor under ORS chapter 401 if:

(a) The unmanned aircraft system is used only for the purposes of preserving public safety, protecting property or conducting surveillance for the assessment and evaluation of environmental or weather related damage, erosion or contamination; and

(b) The unmanned aircraft system is operated only in the geographical area specified in a proclamation pursuant to ORS 401.165 (5). [2013 c.686 §5; 2015 c.315 §5]

Note: See note under 837.300.

ORS 837.340 Investigations of crimes and accidents. (1) A law enforcement agency may operate an unmanned aircraft system, acquire information through the operation of an unmanned aircraft system, or disclose information acquired through the operation of an unmanned aircraft system, for the purpose of reconstruction of a specific crime scene or accident scene, or similar physical assessment, related to a specific investigation.

(2) The period that a law enforcement agency may operate an unmanned aircraft system under this section may not exceed five days for the purpose of reconstruction of a specific crime scene or accident scene, or similar physical assessment, related to a specific investigation. [2013 c.686 §6; 2015 c.315 §6; 2017 c.502 §2]

Note: See note under 837.300.

ORS 837.345 Training. (1) A law enforcement agency may operate an unmanned aircraft system for the purpose of training in:

(a) The use of unmanned aircraft systems; and

(b) The acquisition of information through the operation of an unmanned aircraft system.

(2) Any image or other information that is acquired through the use of an unmanned aircraft system by a law enforcement agency under this section, and any evidence derived from that image or information:

(a) Is not admissible in, and may not be disclosed in, a judicial proceeding, administrative proceeding, arbitration proceeding or other adjudicatory proceeding; and

(b) May not be used to establish reasonable suspicion or probable cause to believe that an offense has been committed.

Per ORS 837.362, a text of ORS 192.345 follows (2019):

ORS 192.345 Public records conditionally exempt from disclosure. The following public records are exempt from disclosure under ORS 192.311 to 192.478 unless the public interest requires disclosure in the particular instance:

(1) Records of a public body pertaining to litigation to which the public body is a party if the complaint has been filed, or if the complaint has not been filed, if the public body shows that such litigation is reasonably likely to occur. This exemption does not apply to litigation which has been concluded, and nothing in this subsection shall limit any right or opportunity granted by discovery or deposition statutes to a party to litigation or potential litigation.

(2) Trade secrets. “Trade secrets,” as used in this section, may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within an organization and which is used in a business it conducts, having actual or potential commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

(3) Investigatory information compiled for criminal law purposes. The record of an arrest or the report of a crime shall be disclosed unless and only for so long as there is a clear need to delay disclosure in the course of a specific investigation, including the need to protect the complaining party or the victim. Nothing in this subsection shall limit any right constitutionally guaranteed, or granted by statute, to disclosure or discovery in criminal cases. For purposes of this subsection, the record of an arrest or the report of a crime includes, but is not limited to:

- (a) The arrested person’s name, age, residence, employment, marital status and similar biographical information;
- (b) The offense with which the arrested person is charged;
- (c) The conditions of release pursuant to ORS 135.230 to 135.290;
- (d) The identity of and biographical information concerning both complaining party and victim;
- (e) The identity of the investigating and arresting agency and the length of the investigation;
- (f) The circumstances of arrest, including time, place, resistance, pursuit and weapons used; and
- (g) Such information as may be necessary to enlist public assistance in apprehending fugitives from justice.

(4) Test questions, scoring keys, and other data used to administer a licensing examination, employment, academic or other examination or testing procedure before the examination is given and if the examination is to be used again. Records establishing procedures for and instructing persons administering, grading or evaluating an examination or testing procedure are included in this exemption, to the extent that disclosure would create a risk that the result might be affected.

(5) Information consisting of production records, sale or purchase records or catch records, or similar business records of a private concern or enterprise, required by law to be submitted to or inspected by a governmental body to allow it to determine fees or assessments payable or to establish production quotas, and the amounts of such fees or assessments payable or paid, to the extent that such information is in a form that would permit identification of the individual concern or enterprise. This exemption does not include records submitted by long term care facilities as defined in ORS 442.015 to the state for purposes of reimbursement of expenses or determining fees for patient care. Nothing in this subsection shall limit the use that can be made of such information for regulatory purposes or its admissibility in any enforcement proceeding.

(6) Information relating to the appraisal of real estate prior to its acquisition.

(7) The names and signatures of employees who sign authorization cards or petitions for the purpose of requesting representation or decertification elections.

(8) Investigatory information relating to any complaint filed under ORS 659A.820 or 659A.825, until such time as the complaint is resolved under ORS 659A.835, or a final order is issued under ORS 659A.850.

(9) Investigatory information relating to any complaint or charge filed under ORS 243.676 and 663.180.

(10) Records, reports and other information received or compiled by the Director of the Department of Consumer and Business Services under ORS 697.732.

(11) Information concerning the location of archaeological sites or objects as those terms are defined in ORS 358.905, except if the governing body of an Indian tribe requests the information and the need for the information is related to that Indian tribe's cultural or religious activities. This exemption does not include information relating to a site that is all or part of an existing, commonly known and publicized tourist facility or attraction.

(12) A personnel discipline action, or materials or documents supporting that action.

(13) Information developed pursuant to ORS 496.004, 496.172 and 498.026 or ORS 496.192 and 564.100, regarding the habitat, location or population of any threatened species or endangered species.

(14) Writings prepared by or under the direction of faculty of public educational institutions, in connection with research, until publicly released, copyrighted or patented.

(15) Computer programs developed or purchased by or for any public body for its own use. As used in this subsection, "computer program" means a series of instructions or statements which permit the functioning of a computer system in a manner designed to provide storage, retrieval and manipulation of data from such computer system, and any associated documentation and source material that explain how to operate the computer program.

"Computer program" does not include:

(a) The original data, including but not limited to numbers, text, voice, graphics and images;

(b) Analyses, compilations and other manipulated forms of the original data produced by use of the program; or

(c) The mathematical and statistical formulas which would be used if the manipulated forms of the original data were to be produced manually.

(16) Data and information provided by participants to mediation under ORS 36.256.

(17) 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.

(18) 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.

(19)(a) Audits or audit reports required of a telecommunications carrier. As used in this paragraph, "audit or audit report" means any external or internal audit or audit report pertaining to a telecommunications carrier, as defined in ORS 133.721, or pertaining to a corporation having an affiliated interest, as defined in ORS 759.390, with a telecommunications carrier that is intended to make the operations of the entity more efficient, accurate or compliant with applicable rules, procedures or standards, that may include self-criticism and that has been filed by the telecommunications carrier or affiliate under compulsion of state law. "Audit or audit report" does not mean an audit of a cost study that would be discoverable in a contested case proceeding and that is not subject to a protective order; and

(b) Financial statements. As used in this paragraph, "financial statement" means a financial statement of a nonregulated corporation having an affiliated interest, as defined in ORS 759.390, with a telecommunications carrier, as defined in ORS 133.721.

(20) The residence address of an elector if authorized under ORS 247.965 and subject to ORS 247.967.

(21) The following records, communications and information submitted to a housing authority as defined in ORS 456.005, or to an urban renewal agency as defined in ORS 457.010, by applicants for and recipients of loans, grants and tax credits:

(a) Personal and corporate financial statements and information, including tax returns;

(b) Credit reports;

(c) Project appraisals, excluding appraisals obtained in the course of transactions involving an interest in real estate that is acquired, leased, rented, exchanged, transferred or otherwise disposed of as part of the project, but only after the transactions have closed and are concluded;

(d) Market studies and analyses;

(e) Articles of incorporation, partnership agreements and operating agreements;

(f) Commitment letters;

(g) Project pro forma statements;

(h) Project cost certifications and cost data;

(i) Audits;

(j) Project tenant correspondence requested to be confidential;

(k) Tenant files relating to certification; and

(L) Housing assistance payment requests.

(22) Records or information that, if disclosed, would allow a person to:

(a) Gain unauthorized access to buildings or other property;

(b) Identify those areas of structural or operational vulnerability that would permit unlawful disruption to, or interference with, services; or

(c) Disrupt, interfere with or gain unauthorized access to public funds or to information processing, communication or telecommunication systems, including the information contained in the systems, that are used or operated by a public body.

(23) 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:

(a) An individual;

(b) Buildings or other property;

(c) Information processing, communication or telecommunication systems, including the information contained in the systems; or

(d) Those operations of the Oregon State Lottery the security of which are subject to study and evaluation under ORS 461.180 (6).

(24) Personal information held by or under the direction of officials of the Oregon Health and Science University or a public university listed in ORS 352.002 about a person who has or who is interested in donating money or property to the Oregon Health and Science University or a public university, if the information is related to the family of the person, personal assets of the person or is incidental information not related to the donation.

(25) The home address, professional address and telephone number of a person who has or who is interested in donating money or property to a public university listed in ORS 352.002.

(26) Records of the name and address of a person who files a report with or pays an assessment to a commodity commission established under ORS 576.051 to 576.455, the Oregon Beef Council created under ORS 577.210 or the Oregon Wheat Commission created under ORS 578.030.

(27) 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.

(28) Social Security numbers as provided in ORS 107.840.

(29) The electronic mail address of a student who attends a public university listed in ORS 352.002 or Oregon Health and Science University.

(30) The name, home address, professional address or location of a person that is engaged in, or that provides goods or services for, medical research at Oregon Health and Science University that is conducted using animals other than rodents. This subsection does not apply to Oregon Health and Science University press releases, websites or other publications circulated to the general public.

(31) If requested by a public safety officer, as defined in ORS 181A.355:

(a) The home address and home telephone number of the public safety officer contained in the voter registration records for the officer.

(b) The home address and home telephone number of the public safety officer contained in records of the Department of Public Safety Standards and Training.

(c) The name of the public safety officer contained in county real property assessment or taxation records. This exemption:

(A) Applies only to the name of the public safety officer and any other owner of the property in connection with a specific property identified by the officer in a request for exemption from disclosure;

(B) Applies only to records that may be made immediately available to the public upon request in person, by telephone or using the Internet;

(C) Applies until the public safety officer requests termination of the exemption;

(D) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for governmental purposes; and

(E) May not result in liability for the county if the name of the public safety officer is disclosed after a request for exemption from disclosure is made under this subsection.

(32) Unless the public records request is made by a financial institution, as defined in ORS 706.008, consumer finance company licensed under ORS chapter 725, mortgage banker or mortgage broker licensed under ORS 86A.095 to 86A.198, or title company for business purposes, records described in paragraph (a) of this subsection, if the exemption from disclosure of the records is sought by an individual described in paragraph (b) of this subsection using the procedure described in paragraph (c) of this subsection:

(a) The home address, home or cellular telephone number or personal electronic mail address contained in the records of any public body that has received the request that is set forth in:

(A) A warranty deed, deed of trust, mortgage, lien, deed of reconveyance, release, satisfaction, substitution of trustee, easement, dog license, marriage license or military discharge record that is in the possession of the county clerk; or

(B) Any public record of a public body other than the county clerk.

(b) The individual claiming the exemption from disclosure must be a district attorney, a deputy district attorney, the Attorney General or an assistant attorney general, the United States Attorney for the District of Oregon or an assistant United States attorney for the District of Oregon, a city attorney who engages in the prosecution of criminal matters or a deputy city attorney who engages in the prosecution of criminal matters.

(c) The individual claiming the exemption from disclosure must do so by filing the claim in writing with the public body for which the exemption from disclosure is being claimed on a form prescribed by the public body. Unless the claim is filed with the county clerk, the claim form shall list the public records in the possession of the public body to which the exemption applies. The exemption applies until the individual claiming the exemption requests termination of the exemption or ceases to qualify for the exemption.

(33) The following voluntary conservation agreements and reports:

(a) Land management plans required for voluntary stewardship agreements entered into under ORS 541.973; and

(b) Written agreements relating to the conservation of greater sage grouse entered into voluntarily by owners or occupiers of land with a soil and water conservation district under ORS 568.550.

(34) Sensitive business records or financial or commercial information of the State Accident Insurance Fund Corporation that is not customarily provided to business competitors. This exemption does not:

(a) Apply to the formulas for determining dividends to be paid to employers insured by the State Accident Insurance Fund Corporation;

(b) Apply to contracts for advertising, public relations or lobbying services or to documents related to the formation of such contracts;

(c) Apply to group insurance contracts or to documents relating to the formation of such contracts, except that employer account records shall remain exempt from disclosure as provided in ORS 192.355 (35); or

(d) Provide the basis for opposing the discovery of documents in litigation pursuant to the applicable rules of civil procedure.

(35) Records of the Department of Public Safety Standards and Training relating to investigations conducted under ORS 181A.640 or 181A.870 (6), until the department issues the report described in ORS 181A.640 or 181A.870.

(36) A medical examiner's report, autopsy report or laboratory test report ordered by a medical examiner under ORS 146.117.

(37) Any document or other information related to an audit of a public body, as defined in ORS 174.109, that is in the custody of an auditor or audit organization operating under nationally recognized government auditing standards, until the auditor or audit organization issues a final audit report in accordance with those standards or the audit is abandoned. This exemption does not prohibit disclosure of a draft audit report that is provided to the audited entity for the entity's response to the audit findings.

(38)(a) Personally identifiable information collected as part of an electronic fare collection system of a mass transit system.

(b) The exemption from disclosure in paragraph (a) of this subsection does not apply to public records that have attributes of anonymity that are sufficient, or that are aggregated into groupings that are broad enough, to ensure that persons cannot be identified by disclosure of the public records.

(c) As used in this subsection:

(A) "Electronic fare collection system" means the software and hardware used for, associated with or relating to the collection of transit fares for a mass transit system, including but not limited to computers, radio communication systems, personal mobile devices, wearable technology, fare instruments, information technology, data storage or collection equipment, or other equipment or improvements.

(B) "Mass transit system" has the meaning given that term in ORS 267.010.

(C) "Personally identifiable information" means all information relating to a person that acquires or uses a transit pass or other fare payment medium in connection with an electronic fare collection system, including but not limited to:

(i) Customer account information, date of birth, telephone number, physical address, electronic mail address, credit or debit card information, bank account information, Social

Security or taxpayer identification number or other identification number, transit pass or fare payment medium balances or history, or similar personal information; or

(ii) Travel dates, travel times, frequency of use, travel locations, service types or vehicle use, or similar travel information.

(39)(a) If requested by a civil code enforcement officer:

(A) The home address and home telephone number of the civil code enforcement officer contained in the voter registration records for the officer.

(B) The name of the civil code enforcement officer contained in county real property assessment or taxation records. This exemption:

(i) Applies only to the name of the civil code enforcement officer and any other owner of the property in connection with a specific property identified by the officer in a request for exemption from disclosure;

(ii) Applies only to records that may be made immediately available to the public upon request in person, by telephone or using the Internet;

(iii) Applies until the civil code enforcement officer requests termination of the exemption;

(iv) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for governmental purposes; and

(v) May not result in liability for the county if the name of the civil code enforcement officer is disclosed after a request for exemption from disclosure is made under this subsection.

(b) As used in this subsection, “civil code enforcement officer” means an employee of a public body, as defined in ORS 174.109, who is charged with enforcing laws or ordinances relating to land use, zoning, use of rights-of-way, solid waste, hazardous waste, sewage treatment and disposal or the state building code.

(40) Audio or video recordings, whether digital or analog, resulting from a law enforcement officer’s operation of a video camera worn upon the officer’s person that records the officer’s interactions with members of the public while the officer is on duty. When a recording described in this subsection is subject to disclosure, the following apply:

(a) Recordings that have been sealed in a court’s record of a court proceeding or otherwise ordered by a court not to be disclosed may not be disclosed.

(b) A request for disclosure under this subsection must identify the approximate date and time of an incident for which the recordings are requested and be reasonably tailored to include only that material for which a public interest requires disclosure.

(c) A video recording disclosed under this subsection must, prior to disclosure, be edited in a manner as to render the faces of all persons within the recording unidentifiable. [Formerly 192.501]