

## **ARA-7.03 - ~~Council Documents:~~ Redaction and Non-Disclosure ~~Policy of Council~~ Agenda Records**

### **~~A. Authority~~**

~~The Portland City Council is responsible for making administrative, legislative, and quasi-judicial decisions under the City of Portland's commission form of government. The Council Clerk/ Contracts Division of the Auditor's Office serves as the Clerk of the Council, produces and distributes Council meeting agendas, maintains a record of the Council's actions, and maintains the City Charter and City Code.~~

~~Charter Section 2-506 authorizes the City Auditor to adopt, amend, and repeal administrative rules to carry out the Auditor's Office's duties. In addition, Code Section 3.02.050 authorizes the City Auditor to adopt rules, procedures, and forms to implement the provisions of Code Chapter 3.02 (Council Organization and Procedure).~~

### **A. Purpose**

The purpose of this rule is to identify situations where Council agenda records may be redacted or determined exempt from disclosure and the process for making such requests.

### **~~B. Council Documents: Availability and Redaction~~**

~~The Auditor's Office is committed to providing timely, accurate, and complete documents, minutes, and video recordings of Council proceedings. The Council Clerk/ Contracts Division posts Council documents and recordings to the City website and makes such records available to the public.~~

- ~~1. In most cases, Council records are posted in their original and unedited form, with scrivener's changes deemed necessary by the Council Clerk for consistency and conformity to City standards for such documents. Changes made by the Council Clerk do not alter the content of Council documents in any way.~~
- ~~2. However, in a limited number of situations, the Council Clerk may deviate from this general policy and edit a document or recording of Council testimony, before the document or recording is posted to the City website, to protect confidential information that is disclosed during either written or oral testimony (e.g., social security numbers, health information, the identity of an underage or sexual assault victim, etc.). In such cases:~~

- ~~a. The redacted content should be limited to the identifying information; all other words should remain in their original form.~~
- ~~b. Video and live captioning posted to the website should have the audio muted or scrubbed to remove the identifying words, and the captioning accompanying the video should be blurred. The official record, which will remain in its unedited form, will reside in Efiles with restricted access.~~
- ~~3. An individual may submit a request to the Council Clerk/ Contracts Division to redact confidential information from Council video or minutes. Discretion over whether to redact lies with the City Auditor.~~
- ~~4. When Council meeting minutes in which confidential information is redacted are complete, the Council Clerk will create two copies:
  - ~~a. The first copy will be the official record of the meeting, which will remain in its unedited form, and will reside in Efiles with restricted access.~~
  - ~~b. The second copy will have identifying information redacted and will be the copy that is publicly available and linked on the website to Efiles.~~~~

## **B. Redaction Requests for Council Agenda Records**

After recording of Council action, the Council Clerk archives original, unedited Council agenda records in the City's records management system and posts documents and recordings to the City's website.

Under limited circumstances, the Council Clerk may redact information in a document or recording before the record has been archived in order to protect confidential information that is mistakenly disclosed (e.g., social security numbers, health information, violation of a non-disclosure agreement, etc.).

1. To request a redaction on the basis of inadvertent disclosure of confidential information, email the Council Clerk at [councilclerk@portlandoregon.gov](mailto:councilclerk@portlandoregon.gov) to request the redaction and state the reason for the request.
2. Discretion over whether to redact lies with the Council Clerk. The Council Clerk will respond to individual requests by email to approve or deny the request. If the redaction request is approved:
  - a. The redacted content will be limited to the identifying information.
  - b. The official record, which will remain in its unedited form, will reside in the City's records management system with restricted access. The redacted version of the record will be publicly available. NOTE that

unless a safety exemption is requested and granted (see section C below), depending on the nature of the redacted information, the redacted information may nonetheless be discoverable by a public records request.

## C. Safety-Related Non-Disclosure of Council Agenda Records

~~ORS 192.368(1) prohibits disclosure of certain information from public records, and states:~~

~~"An individual may submit a written request to a public body not to disclose a specified public record indicating the home address, personal telephone number or electronic mail address of the individual. A public body **may not disclose** the specified public record if the individual demonstrates to the satisfaction of the public body that the personal safety of the individual or the personal safety of a family member residing with the individual is in danger if the home address, personal telephone number or electronic mail address remains available for public inspection" (emphasis added).~~

- ~~1. Safety-related nondisclosure requests under ORS 192.368(1) must be submitted, in writing, to the Council Clerk/ Contracts Division. The written request must contain sufficient information to determine whether personal or family member safety is at risk if the document is disclosed.~~
- ~~2. The City Auditor shall determine whether a safety-related nondisclosure request meets the standard outlined in ORS 192.368.~~
- ~~3. Per ORS 192.368, a safety-related nondisclosure request remains in effect for five years after the Council Clerk/ Contracts Division receives the request, unless a request for termination is received. The individual seeking the nondisclosure may make another request for nondisclosure at the end of the five-year period.~~
- ~~4. The redaction techniques described in Section B of this rule may be applied to the safety-related non-disclosure requests described in this Section.~~

In accordance with Oregon Public Records Law (Oregon Revised Statutes Chapter 192.368), an individual may submit a request to exempt records containing the individual's home address, telephone number or email address from disclosure if disclosure would put the personal safety of the individual or a family member residing with the individual in danger. Members of the public may review the safety exemption qualifications and submit a request for a safety exemption [here](#).

---

### Auditor's Office Administrative Rule Information

Questions about this administrative rule may be directed to the [Council Clerk](#).

---

### Auditor's Office Administrative Rule History

~~Administrative rule adopted by City Auditor April 29, 2014.~~

Filed for inclusion in PPD April 29, 2014.

Amended by the City Auditor August 19, 2019.

[Amended by the City Auditor \[DATE\], after a minimum 30-day public comment period.](#)