

### **Disclosure of Information**

According to Oregon Revised Statute (ORS) 30.178, an employer who discloses information about a former employee's job performance to a prospective employer upon request of the prospective employer is presumed to be acting in good faith and is immune from civil liability. In order for the employer to be acting in good faith the employer must meet the following conditions when making disclosures:

1. Disclosure of information is upon request of the prospective employer; or
2. Disclosure of information is upon request of the former employee;
3. The information is related to job performance;
4. The disclosure is the result of a request from a law enforcement agency, the Department of Human Services or the Teacher Standards and Practices Commission regarding the records of investigations of suspected child abuse by a district employee.

The disciplinary records<sup>1</sup> of a district employee who has been convicted of a crime listed in ORS 342.143 are not exempt from disclosure under ORS 192.501 or ORS 192.502 and may be released to any person upon request. Prior to the disclosure of a disciplinary record an education provider shall remove any personally identifiable information from the record that would disclose the identity of a child, a crime victim or a school employee who is not the subject of the disciplinary record.

Not later than 20 days after receiving a request under ORS 339.374, an education provider that has or has had an employment relationship with the applicant shall disclose the information requested and any disciplinary records that must be disclosed as provided by ORS 339.388(7).

Presumption of good faith is rebutted by showing the information disclosed was:

1. Knowingly false;
2. Deliberately misleading;
3. Rendered with malicious purpose;
4. Violated civil rights.

END OF POLICY

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<sup>1</sup>“Disciplinary records” is defined as records related to a personnel discipline action or materials or documents supporting that action.

**Legal Reference(s):**

[ORS 30.178](#)

[ORS 339.370 - 339.400](#)

[ORS 339.388\(7\)](#)

[ORS Chapter 659](#)

[ORS Chapter 659A](#)