

Request for Workers' Compensation Claim Records

Requester information

Requester's name: _____
Company name: _____
Mailing address: _____
City: _____ State: _____ ZIP: _____
Phone no.: _____ Fax no.: _____ Email: _____

Identity of requester:

- ☐ Insurer, self-insured employer, service company, or their attorney, for the purpose of processing a workers' compensation claim
- ☐ Worker or worker's representative (include copy of attorney retainer agreement or release signed by worker)
- ☐ Other governmental agency of Oregon or the United States to carry out duties, functions, or powers
- ☐ Other (describe and include release signed by worker): _____

Worker/claim information, if known

Name: _____
Date of birth: _____ WCD file no.: _____
Social Security no.: _____ Date of injury: _____
Insurer name: _____ Insurer claim no.: _____

Records requested

- ☐ Claim history (a summary of all claims on file with the division for a particular worker)
- ☐ Entire file
- ☐ Certified Reconsideration Record for Reconsideration Order, dated: _____
Hearing date, if known: _____
- ☐ Certified record for Director's Classification Review Order, dated: _____
- ☐ Other **Specify:** _____

BY MY SIGNATURE, I certify that I am eligible to receive workers' compensation claim information under ORS 192.355(20) and OAR 436-001-0700.

Signature of requester: _____ Date: _____

Send record request to: Workers' Compensation Division
Attn: Operations Section

fax to 503-947-7806

350 Winter St. NE

P.O. Box 14480

Salem, OR 97309-0405

Phone: 503-947-7810

3088

Insurers, self-insured employers, and service companies can submit Form 3088 electronically through WCD's portal. For more information: <https://wcd.oregon.gov/IndustryNotices/08-08-25-IN-Form-3088-WC-claim-records-request.pdf>

ORS 192.355 Public records exempt from disclosure

(20) Workers' compensation claim records of the Department of Consumer and Business Services, except in accordance with rules adopted by the Director of the Department of Consumer and Business Services, in any of the following circumstances:

- (a) When necessary for insurers, self-insured employers and third party claim administrators to process workers' compensation claims.
- (b) When necessary for the director, other governmental agencies of this state or the United States to carry out their duties, functions or powers.
- (c) When the disclosure is made in such a manner that the disclosed information cannot be used to identify any worker who is the subject of a claim.
- (d) When a worker or the worker's representative requests review of the worker's claim record.

OAR 436-001-0700 Access to Public Records and Workers' Compensation Claim Records (Eff. 4/1/2020)

(1) Access to public records.

Department of Consumer and Business Services rules on Access of Public Records, Fees for Record Search and Copies of Public Records are in OAR 440-005, accessible at <https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=2100>.

(2) Inspection of nonexempt public records.

Any person has a right to inspect and obtain copies of nonexempt public records but not to request blind searches for records not known to exist.

(3) Access to workers' compensation claim records.

- (a) The department's workers' compensation claim records are exempt from public disclosure under ORS 192.355.
- (b) Access to claim records will be granted at the sole discretion of the director, under the following circumstances:
 - (A) When necessary for an insurer, self-insured employer, service company, or their attorney, for the purpose of processing a workers' compensation claim;
 - (B) When necessary for the director to carry out the director's duties, functions, or powers;
 - (C) When necessary for a governmental agency of Oregon or the United States to carry out its duties, functions, or powers;
 - (D) When a worker or the worker's representative requests the worker's claim record; or
 - (E) When disclosure can be made in a way that the disclosed information cannot be used to identify any worker who is the subject of an Oregon workers' compensation claim.

(4) Requests for claim records.

A request to inspect or obtain copies of workers' compensation claim records may be made in writing, in person, or by phone. Requesters may use the division's Form 3088, "Request for Workers' Compensation Claim Records."

- (a) Written requests must include:
 - (A) The name, identity, and contact information of the requester;
 - (B) Information identifying the worker or the claim;
 - (C) A description of the records requested; and
 - (D) The signature of the requester certifying the requester meets the criteria in subsection (3)(b) of this rule.
- (b) In addition to the information required under subsection (a) of this section, requests for claims history made by phone or fax must include, if known:
 - (A) The worker's Social Security number; and
 - (B) The insurer claim number.
- (c) A request from the worker's representative must be accompanied by an attorney retainer agreement or a valid release signed by the worker.
- (d) A request from a person other than as described in subsection (3)(b) of this rule must include a valid release signed by the worker.
- (e) The director may require additional information or documentation to ensure records are released in accordance with ORS 192.355 and this rule.

(5) Release of claim records to other persons.

The director may release workers' compensation claim records to persons other than those described in (3)(b) of this rule including public or private research organizations.

- (a) The determination whether to release the information is at the sole discretion of the director.
- (b) The director may enter into written agreements as necessary to ensure that the recipient of the information uses the information only in accordance with this rule and the agreement with the director to ensure confidentiality of the disclosed records. The director may terminate such agreements at any time the director determines that one or more of the conditions of the agreement have been violated.
- (c) The director may deny or revoke access to workers' compensation claims records at any time.

Statutory authority: ORS 192.318, 192.355, and 656.726(4)
Statutes implemented: ORS 656.726(4), 192.318, and 192.355
Hist: Adopted 3/13/20 as WCD Admin. Order 20-052, eff. 4/1/20