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Roger Edgington
Interim President
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Re: **Petition for Public Records Disclosure Order; Portland State University Records**

Dear Gentlemen:

This letter is the Attorney General's order on Mr. Needham's petition for disclosure of records under the Public Records Law, ORS 192.410 through 192.505. That petition, which we received on January 13, 1989, asks the Attorney General to direct Portland State University (PSU) to disclose records of arrests and reports of crimes occurring on the PSU campus and maintained in the PSU security office daily log. For the reasons stated below, we grant the petition in part, and deny it in part.

From our review of the facts here, it appears that a student reporter for The Vanguard asked Mr. John Wanjala, PSU Campus Safety and Security Director, to provide her with an unedited copy of the daily log of arrests and criminal reports. Although there may have been some misunderstanding on this point, Mr. Wanjala was willing to provide a copy of that log, but with certain exempt information deleted. That offer did not satisfy the reporter's request, and this petition followed.

We understand that the campus safety and security office has a longstanding practice of verbally providing to The Vanguard the daily log information regarding campus incidents, including arrests and reports of crimes. When an incident involves a student, the Campus Safety and Security Director omits the student's name and personally identifiable information.

The Public Records Law confers a right on the public to inspect and receive copies of any public record of a public body in Oregon, subject to certain exemptions. ORS 192.420. As PSU recognized, the records at issue here are public records. Portions of those records, however, are exempt from disclosure under ORS 192.496(4), which exempts from disclosure:

> "Student records required by state or federal law to be exempt from disclosure."

State law prohibits PSU from releasing any information kept by the institution that concerns a student. See ORS 351.070(2)(e). Federal law also prohibits a college receiving federal funds from releasing any student education record without the student's consent. See 20 USC § 1232g(b)(1). An "education record" is defined as any material that contains information directly related to a student. 20 USC § 1232g(a)(4)(A). This broad definition of "education record" includes material in the daily log relating to a student's activities or conduct.

PSU has expressed its willingness to continue its practice of providing arrest and crime information to The Vanguard, after deleting student information as required by law. If The Vanguard so requests, PSU will allow inspection of the original or provide a photocopy of the arrest and crime report record with the confidential student material deleted. Its practice, and its willingness to disclose edited copies of the daily logs, fully comply with the Public Records Law.

Very truly yours,

James E. Mountain Jr.

JAMES E. MOUNTAIN, JR.
Deputy Attorney General

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