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July 12, 2004

Barbara Schwarz
335 East Broadway
Apt. 401
Salt Lake City, UT 84111

Re: *Petition for Public Records Disclosure Order*:
Oregon Department of Fish and Wildlife Records

Dear Ms. Schwarz:

This letter is the Attorney General's order on your petition for disclosure of records under the Oregon Public Records Law, ORS 192.410 to 192.505. We received your petition on July 6, 2004.

We spoke with Alida Lee, ODFW Personnel Records Manager, about your petition. In her letters to you, dated June 7 and 25, 2004, Ms. Lee described the electronic searches ODFW conducted in response to your request. As her letters indicate, ODFW identified only one record potentially responsive to your request. Ms. Lee sent a redacted copy of that record to you as an enclosure to her June 25th letter. Ms. Lee's letters state that if you want ODFW to conduct manual searches of its records in response to your request, the agency will charge you for those searches, requesting advance payment of its estimated costs.[1]

The Attorney General may order a state agency to disclose records only when the agency has denied a request for the records, ORS 192.450(1). Also, as stated in orders issued on earlier petitions you filed, the Public Records Law does not require a public

[1] A state agency has the authority to establish fees "reasonably calculated to reimburse it for its actual cost in making [requested] records available." ORS 192.440(3). Requiring pre-payment of estimated costs does not constitute a denial of a records request.

body to create records in response to a request for information. Because ODFW has not denied your request for records, we deny your petition.

Sincerely,

Donald C. Arnold
Chief Counsel
General Counsel Division

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c: Alida Lee, ODFW Personnel Records Manager