KYBC

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DEPARTMENT OF JUSTICE

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January 30, 2003

Keli Kubat
9268 SE Clinton St. #16
Portland, OR 97266

Re: *Petition for Public Records Disclosure Order*:
Oregon Department of Human Services, Disability Determination Services Records

Dear Ms. Kubat:

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. Your petition, which we received on January 27, 2003, asks the Attorney General to direct Disability Determination Services (DDS) to provide to you records "considered by and underlying Paul Rethinger PhD's assessment on Form SSA-2506-BK (9-2000)." For the reasons that follow, we respectfully deny your petition.

The Public Records Law confers a right to inspect any public record of a public body in Oregon, subject to certain exemptions and limitations. *See* ORS 192.420. Any person denied the right to inspect or to receive a copy of a public record of a state agency may petition the Attorney General to review the record and determine if it may be withheld. ORS 192.450. Your petition states that you requested the specified records from DDS on January 10, 2003, and that your request was denied by Dr. Rethinger, DDS Administrator Lloyd Horsely, "and some guy named Fengster".

This is your second petition for disclosure of the specified records. We issued an order on your first petition, dated January 21, 2003. In that order we denied your petition on the basis that the records you seek from DDS are exempt from disclosure under ORS 192.502(8). As that order explained, the Social Security Administration's control over the disclosure of the records, as provided in federal statutes and regulations, does not provide for DDS disclosure of the records. For this reason, DDS is not authorized to disclose the records to you. You may request the records from the Social Security Administration, pursuant to their disclosure regulations.

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GENERAL COUNSEL
DEPT. OF JUSTICE

For the reasons stated above and in our related order dated January 21, 2003, we deny your petition as moot.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

c: Lloyd Horsley, DDS
Ken Forbes, DDS

PDS:kbc/GENE4708