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March 18, 2002

Charles Williams, SID #3831427
Eastern Oregon Correctional Institution
2500 Westgate
Pendleton, OR 97801

Re: Public Records Disclosure Order:
Oregon State Board of Parole and Post-Prison Supervision Records

Dear Mr. Williams:

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 March 11, 2002, asks the Attorney General to direct the Oregon State Board of Parole and Post-Prison Supervision (Board) to make available to you a copy of all records it has that pertain to you. 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 who is 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 from disclosure. ORS 192.450(1). The Attorney General may order a state agency to disclose records only when the agency has denied a request for the records. *See* ORS 192.450(1).

Your petition states that you requested records from the Board on February 18, 2002, but that you had received no response from the Board as of the date of your petition. We have spoken with Maureen Bryant, a records clerk and custodian of Board records, regarding your petition. Ms. Bryant states that the Board received your letter requesting copies of its records on February 25, 2002, but that the Board has yet to review and respond to your request because of competing demands on the time of Board members and staff. According to Ms. Bryant, the Board anticipates responding to your request shortly.

ORS 192.430 requires a custodian of public records to provide "proper and reasonable opportunities" for inspection of public records. "The public's 'reasonable' opportunity to inspect records correspondingly allows the public body a 'reasonable' time to respond to a records

request. The amount of time that is reasonable will depend upon the volume of records requested, the staff available to respond to the records request and the difficulty in determining whether any of the records are exempt from disclosure." ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL (2001) at 9.

To date, the Board has had your request for three weeks. According to Ms. Byrant, the Board expects to respond to your request shortly. We do not find the time that the Board has taken thus far to respond to your request to amount to a constructive denial. Since the Board has not denied your request for records, we deny your petition as premature.

Sincerely,

Peter D. Shepherd

PETER D. SHEPHERD
Deputy Attorney General

AGS09791
c: Maureen Bryant, Records Clerk,
Oregon Board of Parole and Post-Prison Supervision