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December 14, 1988

Mr. Darrell W. Martin
3617 Carmelle Court, N.E.
Salem, OR 97305

Dr. William Cowart
Provost
Western Oregon State College
Monmouth, OR 97361

Re: **Petition for Public Records Disclosure Order; Western Oregon State College Records**

Dear Mr. Martin and Dr. Cowart:

This letter is the Attorney General's order on Mr. Martin's petition for disclosure of records under the Oregon Public Records Law, ORS 192.410 to 192.505. The petition, which we received on December 6, 1988, asks the Attorney General to direct Western Oregon State College officials to disclose a copy of their "employe records information publication." In the alternative, Mr. Martin said that he would be satisfied with "a list of staff and their salaries." Because we conclude that the request has not been denied, we deny the petition as premature.

After receipt of Mr. Martin's letter, we contacted Dr. Cowart and Connie Wildfang at Western Oregon State College. They stated that approximately three weeks ago Mr. Martin personally appeared in Dr. Cowart's office and spoke with Ms. Wildfang. She stated that Mr. Martin's request at that time for employe records was very extensive, including requests for information concerning when people were hired and when they resigned, as well as names and addresses along with other data. Ms. Wildfang was aware that at least some of the information sought was exempt from disclosure. Moreover, the request was extensive. For those reasons, she asked Mr. Martin to wait a brief period to confer with Dr. Cowart, who was attending a meeting on campus. However, Mr. Martin apparently chose not to meet with Dr. Cowart, and has not conferred with him since.

In Mr. Martin's letter to us he seeks fewer records than he had demanded orally. Given the nature of the request to WOSC, we believe it was within the agency's reasonable discretion to have Mr. Martin confer with Dr. Cowart before it attempted to process the request. See ORS 192.430 (agency must provide "reasonable" opportunity for inspection). Under the circumstances, we do not believe that Mr. Martin has been denied access to whatever records he desires. Therefore, we deny the petition as premature. See ORS 192.450(1) (denial of inspection is condition precedent to Attorney General review).

In anticipation that Mr. Martin may renew his request for certain records from Dr. Cowart, we advise that if there exists an "employe records information release policy," such as that from Oregon State University attached to Mr. Martin's letter of December 6, it would need to be disclosed if requested. Dr. Cowart tells us, however, that at this time WOSC has not developed a release policy and, therefore, that that specific type of record does not exist at Western. Names of Western faculty and their salaries would be public records disclosable upon request. Ms. Wildfang can secure that information through directory and other information available in Dr. Cowart's office. However, home addresses and home telephone numbers of faculty who have treated such information as personal and requested that it be kept confidential would be exempt from disclosure under the personal privacy exemption of the Public Records Law. ORS 192.502(2); see Jordan v. MVD, 93 Or App 651, ___ P2d ___ (1988); Letter of Advice dated July 1, 1983, to Personnel Division Administrator Anita Leach (OP-5524). This exemption would apply "unless the public interest by clear and convincing evidence requires disclosure in the particular instance." ORS 192.502(2). We have no information at this time on which to evaluate the nature and strength of the public interest in disclosure in this particular instance.

Very truly yours,

James E. Mountain Jr

JAMES E. MOUNTAIN, JR.
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