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April 20, 2001

Richard Deering
2030 NE 140th Avenue
Portland, OR 97230

Re: Petition for Public Records Disclosure Order
Records of Senator Ginny Burdick

Dear Mr. Deering:

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 April 19, 2001, asks the Attorney General to order Senator Ginny Burdick to send to you "[a] copy of the $30,000 contract with the Center to Prevent Handgun Violence, A.K.A. Handgun Control, Inc." For the reasons that follow, we respectfully deny your petition.

The Public Records Law confers a right to inspect any public records 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 determine whether the record may be withheld. ORS 192.450(1).

Senator Burdick is an elected official. Under the Public Records Law, when a petition to inspect or copy a public records concerns a record that is in the custody of an elected official, or in the custody of any other person but as to which an elected official claims the right to withhold disclosure, the Attorney General may not consider the petition. ORS 192.480. The person

requesting the record must institute proceedings in the appropriate circuit court to seek review of an elected official's denial of a right to receive a copy of a public record.[1] *Id.* Accordingly, we deny your petition.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

AGS07555
c: Senator Ginny Burdick

[1] During the period that the Oregon Legislative Assembly is in session, state legislators are not subject to civil process by virtue of section 9, Article IV of the Oregon Constitution. *See also* ORS 192.410(5). Additionally, the Public Records Law applies only to "public records," which are those records "containing information relating to the conduct of the public's business * * * prepared, owned, used or retained by a public body." ORS 192.410(4). Although the definition of a "public body" includes a "state officer," ORS 192.410(3), because this office has no jurisdiction over your petition, we have not sought to determine whether the record you seek is a "public record" subject to disclosure under the Public Records Law.