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October 30, 2000

Jacob Barrett, SID #11123024
Oregon State Penitentiary
2605 State Street
Salem, OR 97310

Re: *Petition for Public Records Disclosure Order*
Oregon Department of State Police Records

Dear Mr. Barrett:

This 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 October 24, 2000,[1] asks the Attorney General to direct the Oregon State Police (OSP) to make available to you copies of "any and all information and materials contained in its files concerning Brownie Atkinson and/or his activities." For the reasons that follow, we respectfully deny your petition as premature.

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. The law requires generally that the custodian of public records furnish proper and reasonable opportunities for inspection and copying of the record in the office of the custodian. ORS 192.430. Any person denied the right to inspect or to receive a copy of any public record of a state agency may petition the Attorney General to review the public record to determine if it may be withheld from public inspection. ORS 192.450(1).

Your petition states that you requested copies of records from OSP and that your request went unanswered. We have spoken with Sgt. David Scholten of the OSP Office of Professional Standards regarding your petition. Sgt. Scholten informs us that OSP has not received any written request from you for the records referenced in your petition and has not denied your

[1] We appreciate your extending the time within which the law would have otherwise obligated us to respond.

request. This is consistent with your statement that the agency has not responded to your request.

Absent a request to and a denial by a state agency for public records, the Attorney General has no authority to order an agency to make the records available. *See* ORS 192.450(1). We therefore deny your petition as premature.[2]

Sincerely,

DAVID SCHUMAN
Deputy Attorney General

AGS05832
c: Sgt. David Scholten, Office of Professional Standards, OSP

[2] This office has provided Sgt. Scholten with a copy of your petition, and he has informed us that OSP will, in this instance, treat your petition as a request for public records. Sgt. Scholten has assured our office that he will respond to your request in writing within a reasonable time. If OSP denies your request for the records, you may again petition this office.