HARDY MYERS
ATTORNEY GENERAL

DAVID SCHUMAN
DEPUTY ATTORNEY GENERAL



DEPARTMENT OF JUSTICE
1162 Court Street NE
Justice Building
Salem, Oregon 97310-0506
Telephone: (503) 378-4400
TDD: (503) 378-5938

May 18, 2000

Steven Myers
10155 SE Liebe
Portland, OR 97266

Re: *Petition for Public Records Disclosure Order: Bureau of Labor and Industries' Records*

Dear Mr. Myers:

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 May 16, 2000, asks the Attorney General to direct the Bureau of Labor and Industries (Bureau) to make available records contained in your "file" at the Bureau's offices. 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 custodian of public records must provide proper and reasonable opportunities for inspection and examination of the records in the custodian's office. ORS 192.430. The custodian may adopt reasonable rules necessary for the protection of records and to prevent interference with the regular discharge of duties of the custodian. ORS 192.430(2). The public body may also establish fees reasonably calculated to reimburse it for actual costs in making the records available, including the time spent by agency staff in locating and reviewing the requested records in order to delete exempt or confidential material. ORS 192.440(3). *See* Public Records Order, May 19, 1993, Smith.

The Bureau, through lawfully adopted rules, established specific procedures that a person who requests public records must follow. *See* OAR 839-030-0010. Under those rules, the Bureau will make available public records "provided that the request is in writing" and the record requested is not exempt from disclosure under the Public Records Law. Further, "[a] reasonable period of time shall be allowed for the Bureau to locate and retrieve information requested" and the Bureau may "charge a fee reasonably

calculated to reimburse the Bureau for costs of providing and conveying copies of public records." Finally, the Bureau may require that all fees must be paid in cash before furnishing any copies, material or information requested.

Your petition states that you were told you must make your request in writing and pay a fee. We spoke with Margo Norton, Deputy Commissioner for the Bureau of Labor and Industries, concerning your petition. She informed us that the staff person responsible for providing access to the files believes she spoke with you last week and explained the agency's procedure. On May 16, 2000, the Bureau received a completed agency form from you titled "Requests for Closed Civil Rights Division Files" that requested the opportunity to view the file. The Bureau has informed us that their normal procedure is to schedule an appointment, review the file in advance to redact any items exempt from disclosure, allow the reviewer to identify any pages to be copied and produce the requested copies. The Bureau has informed us that it intends to process your request in the standard manner.

We conclude that the Bureau merely requested that you comply with its rules. Therefore, we conclude that the Bureau has not denied a request for disclosure of public records. Under these circumstances, we deny your petition as premature.

Sincerely,

DAVID SCHUMAN
Deputy Attorney General

AGS04804
c: Margo Norton, Deputy Commissioner
Bureau of Labor and Industries