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August 24, 1995

John Henry Hingson III, PC
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222 Promenade Buliding
421 High Street
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Dear Mr. Hingson:

We have reviewed your letter of August 16, 1995 which directs our attention to OAR 735-74-010(2) and suggests that we reconsider the July 25, 1995 order denying disclosure of certain Motor Vehicle Division records.

The cited rule allows the release of otherwise confidential documentation related to a person's ability or qualifications to drive due to mental or physical condition if "[t]he Attorney General directs the agency pursuant to the Public Records Law to disclose the source."

We interpret this rule to simply authorize agency employees to release such information if the Attorney General concludes that it must be released under the Public Records Law and orders the agency to do so pursuant to ORS 192.450(1). The rule does not purport to--and could not--amend the Public Records Law or the confidentiality provision of ORS 807.710(3). If the rule provided independent authorization for the Attorney General to order disclosure, it would effectively supersede applicable statutes; we do not believe it does so.

For this reason, we respectfully deny your petition.

Sincerely,

THOMAS A. BALMER
Deputy Attorney General

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