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DEPARTMENT OF JUSTICE
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November 9, 2009

Rotish V. Singh, SID # 11852604
2605 State Street
Salem, OR 97310

Re: Petition for Public Records Disclosure Order:
Oregon Department of Corrections Records

Dear Mr. Singh:

On November 2, 2009, we received your petition asking the Attorney General to order the Oregon Department of Corrections (ODOC) to disclose certain records to you under Oregon's Public Records Law, ORS 192.410 to 192.505. We conclude that you have not been denied the right to inspect any public records, and we consequently deny your petition.

Your underlying public records request was received by ODOC on October 23, 2009. On October 26, 2009, ODOC responded to your request. In its timely response, ODOC noted that you lack funds in your inmate trust account to pay the costs associated with your public records request. ODOC stated that it would provide you with a fee estimate once you have adequate funds in your inmate trust account. In your petition to our office, you acknowledge that you lack funds to pay for the request.

In responding to your request, ODOC is permitted to charge a fee that is reasonably calculated to reimburse it for the actual cost of its response. ORS 192.440(4). Under the circumstances, ODOC has not denied you the right to inspect or receive copies of any records. Instead, ODOC has conditioned that right on your payment of the required fees. That condition is permitted by the Public Records Law, as we have concluded in several previous Public Records Orders.[1] You have not requested that ODOC waive its fees, and on the record before us we cannot perceive a public interest in disclosure that would justify a fee waiver. A requester's

[1] For example, see Public Records Order, December 15, 2005, Bisby at 2; Public Records Order, December 30, 1993, Bowers at 2-3.

inability to pay the required fee is not, in itself, sufficient basis for a fee waiver. ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL (2008) at 20.

Because you have not been denied the right to inspect any records, your petition must be respectfully denied. *See* ORS 192.450(1).

Sincerely,

MARY H. WILLIAMS
Deputy Attorney General

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c: Brian Belleque, Superintendent, DOC