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December 3, 2008

Charles Williams, SID #381427
OSP #35899
2605 State Street
Salem, OR 97310

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

Dear Mr. Williams:

On November 25, 2008, the Office of the Attorney General received a letter from you regarding a request you had made for copies of your medical records. According to your letter, you asked the Department of Corrections (DOC) for copies of medical records about three weeks earlier, or in early November, but have not yet received them. You expressed concern that some of your medical records may have been altered or even destroyed. Although you did not specifically petition for an Attorney General's order requiring DOC to disclose the records, we have nevertheless treated your letter as a petition for a public records order, because the statutory authority of the Attorney General over public records requests is limited to the issuance of such orders. ORS 192.450.

This letter is the Attorney General's order under the Oregon Public Records Law, ORS 192.410 to 192.505. For the reasons that follow, we respectfully deny your petition.

The Public Records Law confers upon every person the right to inspect any public records of a public body in Oregon, subject to certain exemptions and limitations. *See* ORS 192.420. DOC is a "public body" and is subject to the Public Records Law. ORS 192.410(3). As such, DOC must provide "proper and reasonable opportunities for inspection and examination" of public records. *See* ORS 192.430. DOC is allowed a "reasonable" time to respond to your request for records. In addition, DOC may charge a fee that is reasonably calculated to reimburse DOC for the costs of making the documents available. ORS 192.440(4).

On November 26, 2008, we spoke with the medical records specialist at Oregon State Penitentiary (OSP). She told us that she has collected the medical records that are available at

OSP. She stated that these records appear to cover the period from 2000 to the present. She provided you with a bill for copies of these records, and she met with you on Monday, December 1 to discuss the records. As to the records for the period between 2000 and 2008, we conclude that your request for records has not been denied. Your petition with respect to those records is denied as moot.

In addition, the medical records specialist informs us that she has asked both DOC's records manager and other DOC institutions to search for your pre-2000 medical records. Evidently, some additional records have been located and the medical records specialist has asked that they be sent to OSP. DOC has not denied your petition as to your pre-2000 records, but continues to search for responsive documents. As a result, we deny your petition as premature with respect to the pre-2000 records.

Finally, the Attorney General has no authority to address your claim that some of the records you seek may have been lost or destroyed.

For the reasons stated above, your petition is respectfully denied.

Sincerely,

Frances Hamilton

for

PETER D. SHEPHERD
Deputy Attorney General

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