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June 14, 2007

William T. Harbaugh
Department of Economics
1228 University of Oregon
Eugene, OR 97403

Re: Petition for Public Records Order
University of Oregon Record

Dear Mr. Harbaugh:

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 June 7, 2007, asks the Attorney General to order the University of Oregon to produce public records related to the University's affirmative action plan that took effect in January 2006. You asked for the date upon which the plan was completed and forwarded to the President's office and the date upon which the plan was signed by the President. You state that you asked these questions on May 24, 2007, and ask that we treat the University's delay in answering you questions as a refusal to produce public records.

The Public Records Law confers a right to insect any public records of a public body in Oregon, subject to certain exemptions and limitations. *See* ORS 192.420. Any person who is 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 record and determine if it may be withheld. ORS 192.450(1). The Attorney General may order a state agency to disclose records only when the agency has denied a request for the records. *See* ORS 192.450(1).

The Public Records Law does not require public bodies to answer questions or to create records in response to requests. ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL (2005) at 5. Consequently, the University's delay in answering your questions, even were it construed as a refusal to answer, cannot be the basis for a public records order. In any event, University of Oregon General Counsel Melinda Grier has informed us that on

June 11, 2007, she sent to you copies of documents that include information that will answer your questions.

Because you requested answers to questions, rather than the right to inspect documents, we deny your petition. At any rate, the University has sent copies of documents that should answer your questions. For that reason, even if your request for answers were construed as a request for records, we would deny the petition as moot.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

AGS19813
c: Melinda Grier, General Counsel, University of Oregon