HARDY MYERS
ATTORNEY GENERAL

PETER D. SHEPHERD
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

1162 Court Street NE
Justice Building
Salem, Oregon 97301-4096
Telephone: (503) 378-4400
TTY: (503) 378-5938

March 9, 2007

Philip W. McClure, SID #5072942
Oregon State Penitentiary
2605 State Street NE
Salem, OR 97310

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

Dear Mr. McClure:

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 March 2, 2007, asks the Attorney General to direct the Oregon Department of Corrections (ODOC) to make available to you a copy of assessment and diagnostic notes specified in your petition. For the reasons that follow, we respectfully deny your petition.

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 law requires generally that the custodian of public records furnish proper and reasonable opportunities for inspection and/or copying of the record in the office of the custodian. ORS 192.430. Any person 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 public record to determine if it may be withheld from public inspection. ORS 192.450(1).

Your petition states that you originally requested copies of the assessment and diagnostic notes from Kay McDonald, ODOC's Counseling and Treatment Services Manager (CTS) at the Oregon State Penitentiary, but that as of the date of your petition she had yet to furnish you with copies of the requested records.

We have spoken with Arthur Tolan, ODOC's CTS Administrator regarding your petition. He told us that after reviewing your petition he sent copies of the records you requested to you. A copy of Mr. Tolan's transmittal letter dated March 5, 2007, is enclosed for your convenience.

Because ODOC has furnished you with copies of the records identified in your petition, we deny your petition at moot.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

Enclosure
AGS19403
c: Arthur Tolan, Administrator, CTS, ODOC