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May 30, 2006

Theodore Simson
P.O. Box 268
North Plains, OR 97133-0268

Re: *Petition for Public Records Disclosure Order*:
Department of Revenue Records

Dear Mr. Simson:

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 May 23, 2006, asks the Attorney General to order the Department of Revenue (Department) to provide you with copies of five categories of public records relating to a notice and demand for payment of taxes sent to you by the Department in March of this year. For the reasons that follow, we respectfully deny your petition.

The Public Records Law confers a right to inspect 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 a public record of a state agency may petition the Attorney General to review the record and determine if it may be withheld from disclosure. ORS 192.450(1). However, the Attorney General may order disclosure only when a state agency has denied a request for the records. *See* ORS 192.450(1).

The last sentence of your request to the Department, which you attached to your petition, reads: "I look forward to your timely response, within seven days from verifiable receipt of this State Open Records Law Request." Your petition states that you sent your records request to the Department on May 1st and that, because you have not yet received a response, you presume that the Department has denied your request. We have confirmed with the Department that it received your records request on May 3rd, and that the Department intends to send you a response by Friday, June 2nd.

The Public Records Law imposes a seven day deadline for responding to certain records requests, namely those directed to elected officials. *See* ORS 192.465(2) (Elected official's failure to respond to a request within seven days treated as a denial). However, that seven day deadline does not apply to the handling of requests by a state agency such as the Department. Instead, the law provides the Department with a "'reasonable' time to respond to a records request." ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL (2005) at 9. We do not believe that the one month period which will have elapsed between the date of your request and the estimated date of the Department's response, is unreasonable. Therefore, we deny your petition as premature.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

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