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September 4, 1987

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Freddye Webb-Petett, Administrator
Adult & Family Services Division
400 Public Service Building
Salem, OR 97310

Re: Public Records Request

Dear Mr. Castle and Ms. Webb-Petett:

This letter responds to Mr. Castle's August 18, 1987, petition for a public records disclosure order regarding any Adult & Family Services Division (division) records which might exist concerning Eva Jean Robles. For the reasons stated below, the petition is denied.

Public assistance records are confidential under both federal and state law. Federal statutes and regulations require the state to provide safeguards which restrict the use or disclosure of information concerning applicants or recipients to purposes directly connected with: (1) public assistance programs operated under the Social Security Act; (2) investigations, prosecutions or criminal or civil proceedings conducted in connection with the administration of such programs; (3) the administration of any other federal or federally assisted program which provides assistance, in cash or in kind, or services directly to individuals on the basis of need; (4) for verifications to the Employment Security Agency or similar certifying agency; (5) any audit or similar activity conducted in connection with the administration of such program by any governmental entity which is authorized by law to conduct such audit or activity; and (6) the administration of a state unemployment compensation program. 42 USC § 602(a)(9); 45 CFR § 205.50(a)(1).

Oregon has complied with this requirement to provide safeguards by enacting both statutes and administrative rules. Under ORS 411.320, the division cannot disclose or use the contents of any records, files, papers or communications for purposes other than those directly connected with the administration of the public assistance laws of Oregon. The division has also enacted administrative rules declaring that such records are confidential. See OAR chapter 461, division 8.

Under ORS 192.420, "every person" has a right to inspect any nonexempt public records of a public body in this state, except as otherwise expressly provided by ORS 192.500. The records which Mr. Castle seeks to inspect are exempt from disclosure under ORS 192.500(2)(h), which provides:

> "The following public records are exempt from disclosure under ORS 192.410 to 192.500:
>
> "* * * * *
>
> "Public records or information the disclosure of which is prohibited or restricted or otherwise made confidential or privileged under ORS * * * 411.320 * * * ."

See also ORS 192.500(2)(g) (unconditionally exempting "[a]ny public records or information the disclosure of which is prohibited by federal law or regulations.")

Therefore, Mr. Castle's petition for a disclosure order is denied.

Respectfully submitted,

James E. Mountain, Jr.
Special Counsel to the
Attorney General

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