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August 15, 2013

SENT VIA EMAIL & REGULAR U.S. MAIL

Lorraine Wilson
1704 W. Alleluia Ave.
Hermiston, OR 97838
glorenew@comcast.net

Re: Petition for Public Records Disclosure Order
Oregon Advocacy Commission Office
DOJ File No. 131001-GA0084-13

Dear Ms. Wilson,

This letter is the Attorney General's order in response to your petition asking our office to order the Oregon Advocacy Commissions Office (OACO) to disclose to you "all teleconference call in numbers and access codes currently being used for ALL the OAC Advocacy Commissions meetings." OACO Administrator Lucy Baker had denied your request for that information by email dated August 7, 2013. For the reasons that follow, we respectfully deny your petition.

The Oregon Public Records Law, ORS 192.410 to 192.505, provides that "[e]very person has a right to inspect any public record of a public body in this state, except as otherwise expressly provided by ORS 192.501 to 192.505." ORS 192.420(1). Exemptions from disclosure are construed narrowly, meaning that "if there is a plausible construction of a statute favoring disclosure of public records, that is the construction that prevails." *Colby v. Gunson*, 224 Or 666, 676 (2008). A public body that asserts a statutory exemption from disclosure has the burden of demonstrating that the law permits the material in question to be withheld from public disclosure. ORS 192.450(1); ORS 192.490(1).

OACO's position is that the information you requested is exempt pursuant to ORS 192.501(22), which conditionally exempts from disclosure

> Records or information that, if disclosed, would allow a person to * * * [d]isrupt, interfere with or gain unauthorized access to public funds or to information processing, communication or telecommunication systems, including the information contained in the systems, that are used or operated by a public body.

Specifically, OACO explains that disclosure of the numbers that you request would enable anyone who obtained them to use the state-funded toll-free service, resulting in charges to the state.[1] In addition, it appears that disclosure of the numbers would permit individuals to disrupt telephonic meetings of the various commissions that use the numbers you have requested.[2] We conclude that disclosure of this information would allow a person to gain unauthorized access to communication or telecommunication systems used by OACO.

The exemption of ORS 192.501(22) is conditional in that it applies "unless the public interest requires disclosure in the particular instance." You do not suggest any public interest that would be served by disclosure. Nor do we perceive such public interest, given that the public meetings law does not require public bodies to provide this information to members of the public who wish to attend telephonic meetings. Because the information you requested appears to fall squarely within the exemption provided by ORS 192.501(22), and because we do not see any basis to conclude that the public interest nevertheless requires disclosure, we respectfully deny your petition.

Sincerely,

FREDERICK M. BOSS
Chief Counsel
Civil Enforcement Division

MCK:tmt/4517092
cc: Lucy Baker, OACO

[1] We understand that the toll-free numbers do not require use of access codes.

[2] The public is generally permitted to *attend* such meetings in the manner provided by ORS 192.670(2).