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October 20, 2010

Alison Chinn, Assistant City Attorney
City of Vancouver, Washington
P.O. Box 1995
Vancouver, WA 98668-1995

Re: Public Records Disclosure Order
Oregon Board of Psychologist Examiners

Dear Ms. Chinn,

On October 11, 2010,[1] we received a petition from you on behalf of the City of Vancouver, Washington ("City"). Your petition asks the Attorney General to order the Oregon Board of Psychologist Examiners to disclose certain records to the City under the Oregon Public Records Law, ORS 192.410 to 192.505. We respectfully deny your petition because the City is not a "person" entitled to obtain records under the Oregon Public Records law. ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL (2010) sec. I.A, http://www.doj.state.or.us/public_records/manual/public_records.shtml#a ("The definition of 'person' in ORS 192.410(2) does not mention a 'public body,' and we have concluded that a public body may not use the Public Records Law to obtain public records from another public body."); Letter of Advice dated June 26, 1987, to Wanda Clinton, Department of Revenue (OP-6049) at 8 (a public body is not a "person" entitled to obtain public records under the Oregon Public Records Law).

Sincerely,

MARY H. WILLIAMS
Deputy Attorney General

c: Kathy Irene Marshack, Psychologist
JUSTICE-#2297360-V1.DOC

[1] Your petition was addressed to a particular attorney within the General Counsel Division of the Oregon Department of Justice, and was received by that Division on October 7. However, it was not received by the Assistant Attorneys General responsible for replying to such petitions until October 11. The petition form on our website, http://www.doj.state.or.us/forms/public_records_petition.pdf, provides the correct emailing and mailing information for submitting petitions in a way that insures their timely receipt by the appropriate people within the Department of Justice.