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January 6, 2010

SENT VIA E-MAIL

Dr. William T. Harbaugh
538 PLC
1285 University of Oregon
Eugene, OR 97403-1285
(wtharbaugh@gmail.com)

Re: Petition for Public Records Disclosure Order:
University of Oregon Records

Dear Professor Harbaugh:

On December 30, 2009 we received your petition seeking an order under the Oregon Public Records Law directing the University of Oregon (UO) to disclose certain records to you. Specifically, you seek "a copy of the current working draft of UO's '2009-2010' Affirmative Action plan." UO informs us that it does not have any document that can be characterized as a draft plan for 2009-2010. We cannot order UO to disclose to you records that it does not posses, and we consequently deny your petition.

UO today informed you that it does not have any documents responsive to your request. After receiving that information, you asked the Attorney General to order UO to disclose "any documents that [UO] might have which would be used in preparation of the final AA plan." Your request for a "working draft" cannot reasonably be construed to reach so broadly, and UO has not denied any request for this broader category of documents. As a result, we do not have authority to order UO to disclose such records. *See* ORS 192.450(1).

Sincerely,

MARY H. WILLIAMS
Deputy Attorney General

DM1816871
c: Doug Park, UO