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August 24, 2011

Carol L. Lumpkin
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Wachovia Financial Center
200 South Biscayne Boulevard, Suite 3900
Miami, FL 33131-2399

J.W. Ring
Bateman Seidel PC
888 S.W. Fifth Avenue, Suite 1250
Portland, OR 97204

Re: Petition for Public Records Disclosure Order:
DHS – Office of Communications

Dear Ms. Lumpkin and Mr. Ring:

This letter is the Attorney General's order in response to your petition seeking an order that would compel the Oregon Department of Human Services, Public Health Division to disclose certain records to you on behalf of your client, Del Monte Fresh Produce N.A., Inc. ("Del Monte.") Specifically, Del Monte is seeking "records * * * pertaining to the outbreak of salmonella Panama announced by Centers for Disease Control and Prevention on March 23, 2011," with a timeframe of February 15, 2011 through March 31, 2011. DHS denied your request, citing ORS 433.008(1), which states

> Except as provided in subsection (2) of this section, information obtained by the Oregon Health Authority or a local public health administrator in the course of an investigation of a reportable disease or disease outbreak is confidential and is exempt from disclosure under ORS 192.410 to 192.505.

Your petition appears to be similar to one we resolved in Public Records Order, Choudary, April 1, 2011 ("Choudary"). A copy of that order is attached for your convenience. As in Choudary, your petition does not appear to dispute that the requested materials fall within the general operation of ORS 433.008(1). Instead, you rely on ORS 433.008(2)(f), which permits "[t]he individual who is the subject of the information or the legal representative of that individual" to access the otherwise confidential records. You assert that Del Monte is the affected individual in this case, and that, as Del Monte's legal representative, you are entitled to obtain the information.

As we did in Choudary, we reject this argument because ORS 433.001(8) defines "[i]ndividual" for these purposes to mean "a natural person." Del Monte is not a natural person and thus is not entitled to obtain the records under ORS 433.008(2)(f). Your petition is respectfully denied.

Sincerely,

MARY H. WILLIAMS
Deputy Attorney General

MCK:jm1/2978132
c: Keely West