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December 23, 1986

Sharon and Brice Wagner
42-705 Wagner Lane
Port Orford, Oregon 97465

Bill Kosesan
Assistant Director
Department of Agriculture
635 Capitol Street, N.E.
Salem, Oregon 97310

Re: Public Records Request

Dear Mr. and Mrs. Wagner and Mr. Kosesan:

This letter responds to a public records petition filed by Sharon and Brice Wagner dated December 13, 1986. The Department of Justice received the petition on December 16, 1986. We grant the petition.

The petition requests that the Attorney General direct the Department of Agriculture to make available for inspection and copying brucellosis test records for cattle owned by Glenn Wagner and N.B. Marsh Ranch.

The Department of Agriculture refused the Wagners' original request to inspect the test records on the basis of the "personal privacy exemption" to disclosure under the public records law. In our view, however, this exemption does not apply to cattle testing records.

The exemption upon which the Department of Agriculture relied is found in ORS 192.500(2)(b), which exempts from disclosure:

> "Information of a personal nature such as but not limited to that kept in a personal, medical or similar file, if the public disclosure thereof would constitute an unreasonable invasion

> of privacy, unless the public interest by clear and convincing evidence requires disclosure in the particular instance. The party seeking disclosure shall have the burden of showing that public disclosure would not constitute an unreasonable invasion of privacy."

Brucellosis test records are not "personal information," as those terms are used in ORS 192.500(2)(b). The records pertain to the health of cattle, not to the health of persons.

The Attorney General therefore directs the Department of Agriculture to provide the petitioners access to the information they have requested. Any questions about this order should be addressed to the undersigned.

Very truly yours,

James E. Mountain Jr.

JAMES E. MOUNTAIN, JR.
Special Counsel to the
Attorney General

JEM/js
cc: Kurt Burkholder
Assistant Attorney General