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February 9, 2017

Martin Allen Johnson
SID 5410056
2605 State Street
Salem, OR 97310

Re: Petition for Public Records Disclosure Order
Oregon Judicial Department
DOJ File No. 198040-GA0058-17

Dear Mr. Johnson:

This letter is the Attorney General's order on your January 26, 2017, petition for disclosure under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on February 2nd, asks the Attorney General to order the Court of Appeals to produce a copy of its ACMS manual.

We respectfully deny your petition because federal copyright law prohibits the Oregon Judicial Department (OJD) from copying this record without the consent of Thomson Reuters, the copyright holder.

The Public Records Law confers a right to inspect any public record of a public body in Oregon, subject to certain exemptions contained in ORS 192.501 to 192.505. *See* ORS192.420(1). In addition to those express exemptions, any record that is prohibited from disclosure by federal law is also exempt. ORS 192.502(8). Any person denied the right to inspect or to receive a copy of a public record of a state agency may petition the Attorney General to review the record and determine if it may be withheld. ORS 192.450(1). The agency carries the burden to sustain any such denial. *Id.*

Your petition shows that OJD denied your records request for the ACMS manual. We spoke with Lori DePaulis, Assistant Legal Counsel at OJD's Office of the State Court Administrator. She explained that ACMS is a paid subscription resource for court case information from Oregon's appellate courts. She added (and your petition shows) that OJD has provided you with a quick reference guide for accessing documents in ACMS. The ACMS manual is a more technical manual designed for use by OJD's help desk in ensuring the ACMS system operates properly. That manual is copyrighted by Thomson Reuters, and therefore OJD

may not reproduce it without permission from Thomson Reuters.[1] 17 USC § 106(1); *Attorney General's Public Records & Meetings Manual* A-1 (2014).

Because OJD is prohibited by copyright law from copying the manual without Thomson Reuter's permission, the manual is exempt from disclosure and we respectfully deny your petition.

Sincerely,

Frederick M. Boss
Deputy Attorney General

FMB:pjn/DM8039972
c via email only: Lori DePaulis, OJD

[1] However, copyright law generally does not prohibit requesters from inspecting the protected works.