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November 1, 2019

VIA EMAIL ONLY: jvickers06@mail.wou.edu

Jennifer Vickers
3264 Randel Court SE
Salem, OR 97302

Re: Petition for Public Records Disclosure Order
Oregon Department Human Services
DOJ File No.: 100012-GA0134-19

Dear Ms. Vickers:

This letter is the Attorney General's response to your petition for disclosure under the Oregon Public Records Law, ORS 192.311 to 192.478. Your petition, which we received October 21, 2019,[1] asks the Attorney General to order the Oregon Department of Human Services (DHS) to disclose the email correspondence of various DHS employees. For the following reasons, we respectfully deny your petition.

The Public Records Law confers the right to inspect public records in Oregon, unless such records are exempt under ORS 192.338, 192.345, or 192.355. ORS 192.314(1). 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 192.411(1). The agency carries the burden to sustain any such denial. *Id.*

Your original request to DHS, dated July 8, 2019, sought the emails of ten DHS employees, sent or received by them in 2018, that contain your name in the subject line or body of the email. In its response, dated August 29, 2019, DHS disclosed 109 pages of documentation to you. Your petition explains your belief that DHS has additional records responsive to your request and that DHS has not provided you with an explanation as to why those records were withheld. You explain that the basis for you belief is that you sent emails to one of the named DHS employees during the relevant timeframe that should have been responsive to your request, but that DHS did not disclose those emails to you.

[1] Thank you for granting an extension of time to respond.

In light of your petition, we contacted Cynthia Gregory, DHS Senior Human Resources Manager. She explained that DHS did not intentionally withhold any records discovered during its search, nor did it otherwise intend to deny any aspect of your request. She was uncertain why the emails sent by you were not included in the search results, but she speculated that it was because your name does not appear in the subject line or body of those emails. She indicated that DHS is willing to work with you to better identify additional records you may want, conduct a new search, and disclose any nonexempt records that result from that search.

We find no evidence in the record before us that DHS denied any aspect of your request or intentionally withheld records from you. And because it does not appear that DHS has otherwise denied you the right to inspect or to receive a copy its public records, we respectfully deny your petition.

Sincerely,

Frederick M. Boss
Deputy Attorney General

FMB:pjn/DM9923609
c via email only: Cynthia Gregory (DHS)