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September 1, 2020

VIA EMAIL ONLY: andrew3@r3dsolutions.com

Andrew F. Robinson III
51283 SW Haven Lane,
Scappoose, OR 97057

Re: Petition for Public Records Disclosure Order
Department of Human Services
DOJ File No.: 100101-GA00085-20

Dear Mr. Robinson:

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 asks the Attorney General to order the Department of Human Services (DHS) to disclose certain child welfare assessments and related documentation involving you and your children from January 2004 to present. For the reasons that follow, we respectfully dismiss your petition in part and deny it in part.

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). The law is a disclosure law, and exemptions from disclosure must be express. 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 its actions. ORS 192.411(1).

We contacted Toni Zimmerman, DHS Records Officer, regarding your petition. She explained that you have submitted several related and overlapping requests for various child welfare records in 2020. She indicated that in May, DHS disclosed all of the records responsive to your requests, but redacted confidential third-party information that it determined was exempt under ORS 419B.035(1). Your petition does not appear to be appealing those redactions.

On Jun 16, 2020, you submitted another request again asking for all child welfare assessments and similar reports since 2004. That request also sought "any other document (or letter)" relating to you or your children, including several specific letters you claim to have

mailed to DHS over the last 16 years. You also requested documentation relating to a December 2019 interview at a DHS branch office, as well as any child welfare assessments or reports associated with that matter (the "2019 assessment"). DHS responded to you on Jul 6, 2020, indicating that it did not locate any records responsive to your June request. Your appeal followed. You assert that, at a minimum, DHS should have documentation relating to the 2019 assessment, as well as copies of any correspondence you have sent to DHS over the last 16 years.

In response to your petition Ms. Zimmerman informed us that DHS has now located the 2019 assessment and has agreed to disclose it to you once they redact any exempt information. She also indicated that DHS is reevaluating the redactions it made to the assessments previously disclosed to you and expects to provide you with additional information within the next two weeks. Because DHS has located the 2019 assessment and has agreed to disclose the nonexempt portions to you, we dismiss this aspect of your petition as moot.

Ms. Zimmerman also explained that after conducting an extensive search for the other records mentioned in your request, including multiple queries to branch offices and a review of archived records, DHS was not able to locate any additional documentation that was not previously disclosed to you. As we have no reason to second-guess Ms. Zimmerman's representation, we respectfully deny this aspect of your petition because we cannot order DHS to disclose records that do not exist in DHS' files.

Sincerely,



Frederick M. Boss
Deputy Attorney General

FMB:pjn/DM10418661
c via email only: Toni Zimmerman (DHS)