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April 7, 1989

Mr. Darrell W. Martin
3617 Carmelle Court, NE
Salem, OR 97310

Re: **Petition for Public Records Disclosure Order; Oregon State University Records**

Dear Mr. Martin:

This letter is the Attorney General's order on your petition for disclosure of records under the Oregon Public Records Law, ORS 192.410 to 192.505. The petition, which we received on March 31, 1989, asks the Attorney General to direct Oregon State University (OSU) officials to disclose the OSU School of Education's administrative rules, department procedures and printed job descriptions. For the reasons that follow we deny your petition as premature.

Under ORS 192.450(1), denial of the right to inspect public records is a condition precedent to the Attorney General's review of agency action. The facts of which we are aware show no such denial.

A key point here is that you apparently never returned the call of Charles Carpenter, Associate Dean, School of Education, who was attempting to respond to your request. Dr. Carpenter was prepared to explain to you much of the following information and to ask you to clarify your request.

In speaking with officials in the School of Education, we have learned that there are no administrative rules pertaining specifically to the School of Education. Further, concerning your request for department procedures, we have learned that there are ten departments within that school. In addition, the

procedures relate to numerous topics: for example, student admissions, faculty bylaws, and clerical staff procedures for handling various projects. The documents you have requested could involve hundreds of pages. It would require much staff time in order to collect those documents and make them available to you.

Your request is not specific enough to enable the agency to respond in a reasonable or knowledgeable fashion, without great expense and effort. The Oregon Public Records Law requires a records request to be reasonably specific. See ORS 192.430, 192.470(1). An agency's noncompliance with a request that is not sufficiently specific does not constitute a denial reviewable by the Attorney General.

Moreover, the lack of specificity of your request hinders OSU's ability to comply with the Public Records Law in another way. After estimating the amount of staff effort required to respond to a request, an agency may require a requestor to prepay its anticipated actual costs, including staff time necessary to locate documents and provide disclosure, before it performs those tasks. See ORS 192.440(2); 44 Op Atty Gen 239, 241-42 (1984) (Attorney General's Public Records and Meetings Manual). Only by receiving a reasonably specific request can OSU perform these functions.

OSU faces a similar problem in responding to your request for job descriptions. OSU has informed us that the only printed job descriptions for faculty are recruitment documents related to various positions. These documents, however, do not exist for all positions and may not be comprehensive or current in describing a particular person's actual job. For example, faculty decisions (documented in minutes of faculty meetings) may result in ad hoc changes of one person's role or job vis a vis another's. Given the potential extent of staff effort necessary to respond, you should clarify your request. For example, you may have no interest in job descriptions for clerical positions. Again, depending on its estimate of the staff effort necessary to supply the requested documents, OSU may require you to prepay its anticipated costs in gathering the records and making them available to you.

In sum, we deny your petition as premature. If you wish to clarify or narrow your request for records, please contact Charles Carpenter, Associate Dean, School of Education, at 754-4661.

Very truly yours,

Pamela L. Abernethy by Richard D. Wilson

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