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September 8, 2021

VIA E-MAIL ONLY: dsupham58@gmail.com

Donald Scott Upham
3906 SW Altadena Ave
Portland, OR 97239

Re: Petition for Public Records Disclosure Order
Oregon State Police
DOJ File No.: 291200-GA0126-21

Dear Mr. Upham:

This letter is the Attorney General's order responding to your September 1, 2021, petition under the Oregon Public Records Law, ORS 192.311 to 192.478. Your petition includes an August 31, 2021, letter you received from the Department of Corrections (DOC) stating that DOC expects to complete its response to an August 10, 2021, records request from you by September 22, 2021. Your petition characterizes DOC's letter as a denial of your request.

Your petition does not explain why you believe DOC's letter should be treated as a denial. Nor can we discern any basis for concluding that DOC's response effectively denied your request. DOC's letter states that DOC is still processing your request and it provides the estimated date by which DOC expects to complete its response, which DOC was statutorily required to provide to you under ORS 192.329(5)(b). Under the circumstances, we must deny your petition because DOC has not denied your request. *See* ORS 192.411(1) (in general, the Attorney General may order disclosure only when a records request has been denied).

Sincerely,

FREDERICK M. BOSS
Deputy Attorney General

FMB:pjn
c via e-mail only: Michelle Dodson (DOC)