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November 3, 2021

Robert Elliot Goodlette
SID #6789687
Two Rivers Correctional Institution
82911 Beach Access Rd
Umatilla, OR 97882

Re: Petition for Public Records Disclosure Order
Oregon Department of Corrections
DOJ File No.: 291200-GA0147-21

Dear Mr. Goodlette:

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 Oregon Department of Corrections (DOC) to disclose records showing that Unit 1 of the Two Rivers Correctional Institution (TRCI) was quarantined due to the COVID 19 pandemic between December 17, 2020, and sometime after January 11, 2021. For the reasons that follow, we respectfully dismiss 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). 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).

In response to your petition, we contacted Michelle Dodson, DOC's Records Officer. She explained that employees at TRCI initially denied your request because they believed all of the information contained in the responsive records they located was exempt from disclosure under ORS 192.355(5).[1] However, after we reviewed the relevant records and discussed them with DOC, DOC no longer asserts they are exempt in their entirety under ORS 192.355(5).

[1] ORS 192.355(5) expressly exempts from disclosure information maintained by DOC "to the extent that disclosure would interfere with the rehabilitation of a person in custody of the department or substantially prejudice or prevent the carrying out of the functions of the department, if the public interest in confidentiality clearly outweighs the public interest in disclosure."

DOC has therefore agreed to process your request, subject to your payment of any processing fees and subject to the redaction of any information it concludes is exempt from disclosure. *See* ORS 192.324(5) (agencies may establish fees reasonably calculated to reimburse them for their actual cost of making public records available); and ORS 192.338 (duty to separate exempt and nonexempt material). If you disagree with DOC's processing fees or redactions, you may again petition this office for review. Because DOC has agreed to process your request, we respectfully dismiss your petition as moot.

Sincerely,

FREDERICK M. BOSS
Deputy Attorney General

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