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May 18, 2022

VIA E-MAIL ONLY: ncrombie@oregonian.com

Noelle Crombie
The Oregonian
1500 SW 1st Ave
Portland, OR 97201

Re: Petition for Public Records Disclosure Order
Oregon Department of Corrections
DOJ File No.: 291200-GA0038-22

Dear Ms. Crombie:

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 an attachment that was redacted from an e-mail recently disclosed to you in response to a records request. 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). 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 DOC initially redacted the attached document because it believed the entire document was exempt from disclosure under ORS 192.355(1).[1] However, after we reviewed the attachment and discussed it with DOC, DOC no longer asserts it is exempt in its entirety under ORS 192.355(1). DOC has therefore agreed to disclose the attachment to you, subject to the

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[1] ORS 192.355(1) exempts from disclosure internal advisory communications within a public body preliminary to any final agency determination of policy or action if the public interest in encouraging frank communication between officials clearly outweighs the public interest in disclosure.

redaction of any information it concludes is exempt from disclosure. ORS 192.338 (duty to separate exempt and nonexempt material). If you disagree with DOC's redactions, you may again petition this office for review. Because DOC has agreed to disclose the attachment to you, we respectfully dismiss your petition as moot.

Sincerely,

Lisa M. Udland

Lisa M. Udland
Deputy Attorney General

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