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August 30, 2022

VIA EMAIL ONLY: ashlepenn.ap2@gmail.com

AshLe Penn
255 SW Harrison St #15G
Portland, OR 97201

Re: Petition for Public Records Disclosure Order
Department of Human Services
DOJ File No.: 100101-GA0070-22

Dear Ms. Penn:

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 "any and all client/case/record of service/program participation/confidential records related to both myself and my child Feliciano Washington," including any records in the confidential case file. 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).

DHS's denial of your public records request shows that you initially sought the "Supplemental confidential file and any and all other records related to juvenile case." We contacted Jennifer Bell in DHS' Public Records Unit. She explained that DHS is withdrawing its denial of your request, and has identified additional records it will shortly disclose to you. DHS will also seek to clarify with you which specific records you are seeking. If DHS determines that it will withhold any records responsive to your request, it will identify the exemptions upon which it bases its denial. Ms. Bell further explained that while DHS does not possess any records in the supplemental confidential file, you should be able to access those records through

the juvenile court or through your attorney in the open dependency case. If DHS denies your request for any records, or redacts any information, you may submit a new petition to contest those denials. Because DHS has agreed to withdraw its denial, and produce additional records to you, we respectfully dismiss your petition as moot.

Sincerely,

Lisa M. Udland

Lisa Udland
Deputy Attorney General

NE2:pjn
c via e-mail only: Jennifer Bell (DHS)