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August 30, 2022

VIA EMAIL ONLY: nicholasarmstrong724@gmail.com

Nicholas Armstrong
7575 SE Harmony Rd
Milwaukie, Oregon 97222

Re: Petition for Public Records Disclosure Order
Department of Human Services
DOJ File No.: 100101-GA0071-22

Dear Mr. Armstrong:

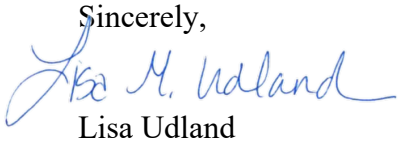
This letter is the Attorney General's response to your petition for disclosure under the Oregon Public Records Law, ORS 192.311 to 192.478. Your petition asks the Attorney General to order the Department of Human Services (DHS) to disclose records related to a child welfare assessment. DHS denied your request, claiming the records are exempt from disclosure under ORS 419B.035. 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).

We contacted Tara Leveaux in DHS' Public Records Unit. She explained that DHS is withdrawing its denial of your request and will send you a redacted copy of the assessment you requested. She explained that ORS 419B.035 generally exempts from disclosure any records compiled under Oregon's Child Abuse Reporting Statutes, ORS 419B.010 to 419B.050. However, DHS has determined that it will exercise its discretion under ORS 419B.035(3) to produce that assessment to you. Ms. Leveaux also indicated that DHS may redact information from the assessment under ORS 419B.035(2)(a), and consistent with its limited discretion under ORS 419B.035(3). If you wish to contest any of these redactions, you may submit a new

petition. Because DHS has agreed to produce the responsive records, we respectfully dismiss your petition as moot.

Sincerely,



Lisa Udland
Deputy Attorney General

NE2:pjn
c via e-mail only: Tara Leveaux (DHS)