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January 30, 2023

VIA E-MAIL ONLY: tbottomly@oregonian.com

Re: Petition for Public Records Disclosure Order
Oregon State Police
DOJ File No.: 257001-GA0014-23

Dear Ms. Bottomly:

This letter is the Attorney General's response to your petition, on behalf of *The Oregonian*, for disclosure under the Oregon Public Records Law, ORS 192.311 to 192.478. Your petition, which we received January 23, 2023, asks the Attorney General to order the Oregon State Police to disclose any records or reports that include the name of the 4-year-old victim in a recent vehicle accident.

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. Agencies are also obligated to respond to records requests "as soon as practicable and without unreasonable delay." ORS 192.329(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).

Your petition explains that you requested this information on several occasions, beginning on December 27, 2022, but that OSP ultimately denied your request under the personal privacy exemption, ORS 192.355(2). Your petition alleges that OSP appears to have a blanket policy and pattern of withholding the names of minor victims in vehicle accidents, which you believe is contrary to law.

Although your petition does not document such a pattern, a reasonable delay in disclosure to facilitate notifying the next of kin seems appropriate in such cases and we do not understand *The Oregonian* to object to such a delay. However, if OSP in fact has a blanket policy of withholding the names of minor victims, or otherwise fails to disclose them as soon as practicable and without unreasonable delay, then we would be willing to consider in a future petition whether to impose upon OSP the penalties available in ORS 192.407(3).

In this instance, however, OSP has informed us that it will be disclosing the requested information to you today. On the record before us, we must respectfully dismiss your current petition as moot.

Sincerely,

Lisa M. Udland

Lisa M. Udland
Deputy Attorney General

ACF:pjn
c via e-mail only: Holly Bolton (OSP)