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January 26, 2023

VIA E-MAIL ONLY: crystalm388@gmail.com

Crystal Ann Major
18065 SE Lamper Ct.
Sandy, OR 97055

Re: Petition for Public Records Disclosure Order
Oregon Department of Corrections
DOJ File No.: 291200-GA0010-23

Dear Ms. Major:

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 certain records that DOC has claimed are exempt from public disclosure in their entirety. 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 DOC's position that the records you seek are exempt from public disclosure under ORS 192.355(5)[1] because it has determined that disclosure may interfere with the rehabilitation of adults in custody or substantially prejudice or prevent the carrying out of DOC's functions. She also explained that DOC has, for several months, offered to provide you with one sample from the records at no cost, but that you have not made the necessary arrangements to receive it.

[1] ORS 192.355(5) states, in relevant part, that DOC information or records is exempt from public disclosure "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."

In light of your petition, however, and insofar as the requested records may relate to you, DOC no longer asserts that the records are exempt in their entirety under ORS 192.355(5). DOC has therefore agreed to process your request, subject to a review and redaction of any information it concludes is exempt from disclosure. *See* ORS 192.338 (duty to separate exempt and nonexempt material). Ms. Dodson also explained that DOC has already informed you of its revised position and provided you with a fee estimate to process your request. *See* ORS 192.324(4).

Because DOC no longer asserts the records are exempt in their entirety and has agreed to process your request, 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)