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April 14, 2023

Tracey Bramlett Coats
SID #12476486
2605 State St.
Salem, OR 97310

Re: Petition for Public Records Disclosure Order
*Department of Corrections*
DOJ File No.: 291200-GA0034-23

Dear Mr. Coats:

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 Corrections (DOC) to disclose the "post orders in effect at [the] Oregon State Penitentiary on October 26, 2021 for both R&D and the Property Room." DOC initially denied your request based on ORS 192.355(5), a provision that permits DOC to withhold public records to the extent that disclosure "would interfere with the rehabilitation of a person in custody * * * 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."

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. *Id*.

In response to your petition, we contacted Michelle Dodson, DOC Records Officer. She informed us that DOC has withdrawn its earlier denial and will process your request, subject to the availability of sufficient funds in in your trust account to cover processing fees and subject to the redaction of information that DOC concludes is exempt from disclosure. *See* ORS 192.324 (agencies may establish fees reasonably calculated to reimburse the actual cost of making public records available); OAR 291-037-0035(3) (Adults in Custody must prepay for records requests

and must have sufficient funds in their trust accounts to cover the cost at the time of the request); and ORS 192.338 (duty to separate exempt and nonexempt material). Because DOC 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)