ELLEN F. ROSENBLUM
ATTORNEY GENERAL

LISA M. UDLAND
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

Justice Building
1162 Court Street NE
Salem, Oregon 97301-4096
Telephone: (503) 378-6002

April 10, 2023

David Durham
SID #3327475
82911 Beach Access Rd.
Umatilla, OR 97882

Re: Petition for Public Records Disclosure Order
Oregon Department of Corrections
DOJ File No.: 291200-GA0032-23

Dear Mr. Durham:

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 asserts that during an April 2022 meeting with Department of Corrections (DOC) employees, an employee made numerous allegations of misconduct against you. On February 8, 2023, you submitted a public records request to DOC for all documents and e-mails supporting the allegations. DOC responded to your request on February 10, 2023, indicating that it was not the custodian of any responsive records. Your petition now asks the Attorney General to order DOC to disclose information about the allegations, such as how the employee learned of the allegations.

We contacted Michelle Dodson, DOC's Records Officer, regarding your petition. She informed us that DOC does not possess any records responsive to your request. Under the circumstances, we have no reason to second-guess Ms. Dodson's representation and we cannot order DOC to disclose records that do not exist. Moreover, the Public Records Law does not require agencies to disclose the reasoning behind their actions, provide information that does not appear in their public records, or create new records in response to a public records request. *See Attorney General's Public Records and Meetings Manual* at 7 (2019). We therefore respectfully deny your petition.

Sincerely,

Lisa M. Udland

Lisa M. Udland
Deputy Attorney General

ACF:pjn
c via e-mail only: Michelle Dodson (DOC)