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November 14, 2023

VIA E-MAIL ONLY: jessika@pebworthellingson.com

Jessika Jenson
132 E Broadway, Ste 331
Eugene, OR 97401

Re: Petition for Public Records Disclosure Order
Oregon Department of Human Services
DOJ File No.: 100101-GA0162-23

Dear Ms. Jenson:

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 the case notes, e-mails and text messages associated with a particular child welfare case. For the reasons that follow, we respectfully dismiss your petition in part and deny it in part.

In response to your petition, we contacted Caroline Burnell, DHS Records Officer. She explained that that DHS does not have any separate case notes beyond those which were included in the child protective service assessment that was previously provided to you. She also explained that DHS did not locate any text messages associated with the particular case you identified. As we have no reason to second-guess Ms. Burnell's representations, we must dismiss these parts of your petition because we cannot order the disclosure of records that do not exist.

According to Ms. Burnell, DHS overlooked your initial request for e-mails relating to the case you identified and did not intend to deny that aspect of your request. She explained that DHS has re-opened that portion of your request and has begun searching for responsive e-mails. She also indicated that DHS will be contacting you soon with an estimated completion date.

Because DHS is now processing your request for responsive e-mails and did not otherwise intend to deny that part of your request, we respectfully deny the remainder of your petition. *See* ORS 192.411(1) (in general, the Attorney General may order disclosure only when a records request has been denied).

Sincerely,

Lisa M. Udland

Lisa M. Udland
Deputy Attorney General

ACF/pjn
c via e-mail only: Caroline Burnell (DHS)