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

January 23, 2024

VIA E-MAIL ONLY: cameron.wiggett@yahoo.com

Cameron Jamison
102 Busch Rd
Trail, OR 97541

Re: Petition for Public Records Disclosure Order
Oregon State Police
DOJ File No.: 257001-GA0010-24

Dear Mr. Jamison:

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 State Police (OSP) to disclose all records relating to its selection process for a particular OSP job opening, including interview questions, applicant scoring, and any related correspondence with the hiring authority and human resources. According to your petition, OSP denied your request for these materials asserting that they are exempt from disclosure in their entirety under ORS 181A.668.[1] 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. When records contain both exempt information and nonexempt information, the agency must produce the nonexempt information if reasonably possible. ORS 192.338. 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).

We discussed your petition with Coral Smith in OSP's Central Records Section. She informed us that OSP no longer asserts that the records you seek are exempt their entirety. OSP

[1] ORS 181A.668(6) makes confidential and exempts from disclosure any employment information disclosed to a law enforcement unit in connection with job applications.

has therefore agreed to reevaluate your request and to disclose what it determines to be the nonexempt portions of those records. Because OSP has withdrawn its denial and agreed to reevaluate your request, we respectfully dismiss your petition at this time.[2] If after its reevaluation OSP continues to withhold responsive records, you may again petition this office for review.

Sincerely,

Lisa M. Udland

LISA M. UDLAND
Deputy Attorney General

ACF\pjn
c via e-mail only: Coral Smith (OSP)

[2] In response to our request for additional information about your petition, you inquired whether the Attorney General could address two additional matters. First, you indicated that you asked OSP to explain why you were not chosen for promotion and explained that you filed a complaint with the Bureau of Labor and Industries because you were not satisfied with OSP's written response. We unable to assist you with that issue as it does not appear to relate to a request under the Public Records Law. *See Attorney General's Public Records and Meetings Manual* at 7 (2019) (the law does not require agencies to create new public records; explain the reasoning behind their actions; or answer questions about their records). Second, you explained your belief that information is missing from your personnel file; specifically, promotion-related materials and records relating to a specific personnel investigation. You assert that you are entitled to a certified copy of those materials under ORS 652.750(2), a provision requiring employers to provide a certified copy of an employee's personnel record within 45 days of a written request. According to Ms. Smith, OSP does not believe this additional matter is ripe for our consideration because OSP has not received a public records request from you for these materials. As a preliminary matter, we note that our authority under the Public Records Law does not include enforcing employee rights under ORS 652.750(2) or evaluating whether OSP's personnel files are complete. And because it does not appear that OSP has otherwise denied a public records request from you for these additional materials, we are not able to address your second issue at this time. *See* ORS 192.411(1) (the Attorney General's authority in the public records petition context is generally limited to evaluating a state agency's denial or partial denial of a records request). You may, of course, submit a public records request to OSP for these additional materials.