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November 26, 2024

Sage Butler
SID# 12309081
82911 Beach Access Rd.
Umatilla, OR 97882

Re: Petition for Public Interest Fee Waiver
Oregon Department of Corrections
DOJ File No.: 291200-GA0116-24

Dear Mr. Butler:

This letter is the Attorney General's response to your petition 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 (ODOC) to waive the fees associated with processing a public records request submitted by you. For the reasons that follow, we respectfully dismiss your petition as premature.

The Public Records Law confers a right to inspect any public record of a public body in Oregon, subject to certain exemptions and limitations. ORS 192.314(1). Agencies may establish fees reasonably calculated to recover their actual costs for making public records available, but "may furnish copies without charge or at a substantially reduced fee if the custodian determines that the waiver or reduction of fees is in the public interest because making the record available primarily benefits the general public." ORS 192.324(4)–(5). And regardless of how interested the public may be in a particular matter, if the requester fails to demonstrate the ability to meaningfully disseminate the requested information, disclosure will not primarily benefit the general public. *See Attorney General's Public Records and Meetings Manual* at 24 (2019). Any person who believes there has been an unreasonable denial fee waiver or reduction by a state agency may petition the Attorney General for review. ORS 192.324(6).

Your petition stems from a request for how many Adults in Custody at the Two Rivers Correctional Institution attended religious services on a monthly basis between March and September 2024. According to your petition, ODOC furnished you with a fee of $57.62 for the estimated cost of processing your request. Your petition followed.

We discussed your petition with Michelle Dodson, ODOC Records Officer. She expressed ODOC's position that your petition is premature because you have not requested a fee waiver from ODOC. She also expressed ODOC's position that your petition does not provide any basis for concluding that you qualify for a public interest fee waiver. Specifically, she explained, your petition does not demonstrate how disclosing this information to you would primarily benefit the general public, nor does it demonstrate your ability to meaningfully disseminate the information to the general public.

Under the circumstances, we are unable to grant your request for a public interest fee waiver. ODOC reports that it has not received, and therefore has not denied, a request from you for a fee waiver. Because ODOC has not denied a request from you for a fee waiver, we must respectfully dismiss your petition as premature. *See* ORS 192.324(6).

Sincerely,

Lisa M. Udland

Deputy Attorney General

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