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December 20, 2024

Stephen Ryan
18621 Melissa Ave
Sandy, OR 97055

Re: Petition for Public Records Disclosure Order
Oregon State Police
DOJ File No.: 257001-GA0128-24

Dear Mr. Ryan:

This letter responds to your letter, dated December 4, 2024, which seeks, among other things, assistance from Attorney General in obtaining records you requested by mail from the Oregon State Police (OSP) in a letter dated November 14, 2024.[1] Your letter to our office states, in part, that OSP has not acknowledged or responded to your records request. We are treating this aspect of your letter as a petition seeking disclosure under the Oregon Public Records Law, ORS 192.410 to 192 .505, which permits this office to consider claims that a state agency has failed to timely respond to a records request. *See* ORS 192.407(1). For the reasons that follow, we respectfully deny your petition at this time.

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). Upon receipt of a written public records request by an individual identified in an agency's published procedures for submitting requests, the agency is obligated to respond to the request "as soon as practicable and without unreasonable delay." ORS 192.329(1). An agency that is unable to complete its response within fifteen business days of receiving a written request is required to provide the requester with a reasonable estimated completion date. ORS 192.329(5). A requester may petition the Attorney General if they believe an agency has failed to comply with the processing timelines contained in ORS 192.329. ORS 192.407(1). When an agency fails to provide one of the responses required by ORS 192.329 within the prescribed time frame, the Attorney General must treat that failure as a denial of the request in most circumstances and may order the disclosure of nonexempt material within a specified period deemed appropriate to bring

[1] Your letter also seeks assistance from this office on a related matter that involves the ability of persons to purchase or transfer firearms after they have had a record of conviction sealed under ORS 137.225. This order only addresses your public records concerns. *See* ORS 192.407 and 192.411.

the agency into compliance with ORS 192.329. ORS 192.407. The agency carries the burden of sustaining its actions. ORS 192.411(1).

We discussed your petition with Coral Smith in OSP's Central Records Section. She explained that her section did not receive your records request until December 12, 2024, more than a week after the date of your petition to our office. It is unclear when OSP received your letter, but we understand that the routing of your request to her section may have been delayed because your request seeks records relevant to ongoing litigation with other parties. She also explained that OSP has now acknowledged your request, requested additional clarification from you, furnished you with an initial cost estimate, and informed you that it believes it will be able to complete its response to you within 3 weeks from receipt of initial payment.

It is not clear from the available record when OSP received your request and when its obligation to respond was triggered. However, even if we assume that OSP failed to respond within the prescribed timeframe and that we are therefore required to treat OSP's failure as a denial of your request, in this instance we decline to exercise our discretion to order OSP to complete its response by a specified date. *See* ORS 192.407(3)(a). OSP has not actually denied your request and any delays appear to be due to administrative matters that were resolved by OSP prior to our receipt of your petition. And because OSP is now actively processing your request, the assistance you requested from this office no longer appears necessary. We therefore respectfully deny your petition at this time. You are free, of course, to file a new petition with this office in the future if you wish to contest OSP's subsequent handling of your records request. ORS 192.329(1).

Sincerely,

Lisa M. Udland

LISA M. UDLAND
Deputy Attorney General

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