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June 4, 2025

Andrew Anderson
SID #23279853
3920 E. Ashwood Rd.
Madras, OR 97741

Re: Petition for Public Records Disclosure Order
Oregon Liquor Control Commission
DOJ File No. 845600 GA0077-25

Dear Mr. Anderson:

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 review the Oregon Liquor and Cannabis Commission's (OLCC) response to your request for certain records related to cannabis regulation. For the reasons discussed below, we respectfully deny 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. 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).

Your petition relates to an extensive, five-part request for all OLCC correspondence, records, and licensing and compliance materials that relate to yourself, your ex-wife, and at least six businesses, from 2015-2021. You have filed four prior public records petitions with the Attorney General concerning this request. These prior petitions challenged several procedural issues related to OLCC's response as well as the completeness of OLCC's records search.[1] Your current petition seeks to relitigate many of these same issues because you believe the Attorney General has "a conflict of interest and bias." Having reviewed the arguments presented in your petition, we decline to reconsider our prior orders, and we respectfully deny your petition as it pertains to those previously decided issues.

[1] *See* Public Records Order, Aug 23, 2024, Anderson; Public Records Order, Nov 24, 2021, Anderson; Public Records Order, Apr 9, 2021, Anderson; Public Records Order, Mar 24, 2021, Anderson.

Your current petition raises one new issue. You now challenge "any/all exemptions" claimed by OLCC as a basis to redact or withhold responsive records. In response to your petition, we contacted Eric Spooner, OLCC Records Officer. Mr. Spooner indicated that OLCC redacted certain responsive records because OLCC believes the redacted information is exempted by ORS 192.355(9)(a) (incorporating ORS 475C.868(3), ORS 475C.517, and ORS 181A.195) and ORS 192.355(2)(a). More specifically, Mr. Spooner indicated that ORS 475C.868(3) requires OLCC to keep confidential certain information related to medical marijuana patients. Therefore, OLCC redacted the names and identifying information of those patients pursuant to ORS 475C.868(3) and ORS 192.355(2)(a) (personal privacy). Mr. Spooner stated that OLCC redacted the addresses of certain grower premises based on the confidentiality requirements found at ORS 475C.517(a). He also said that OLCC redacted information associated with criminal records checks based on ORS 181A.195(12)(a).

Mr. Spooner further explained that OLCC redacted social security numbers (SSNs), computer login credentials, dates of birth, and addresses of other third parties pursuant to the personal privacy exemption provided by ORS 192.355(2)(a). After discussing your petition with Mr. Spooner, he informed us that OLCC would disclose to you the redacted dates of birth and addresses of those third parties who were not medical marijuana patients. We therefore respectfully dismiss your petition as moot with respect to the redacted information that OLCC has now agreed to disclose to you.

Mr. Spooner also provided us with copies of eleven records originally withheld in their entirety as exempt by OLCC. Mr. Spooner indicated that OLCC, having reviewed these records again, no longer believes they are exempt in their entirety from the public records law. OLCC has agreed to produce these records to you with certain redactions for medical marijuana patient information based on ORS 475C.868(3) and ORS 192.355(2)(a). We therefore respectfully dismiss your petition with respect to the portions of these records that OLCC has agreed to disclose to you.

In considering your petition, we reviewed the remaining redactions made to the records and compared them with the originals. We first consider the redactions made by OLCC pursuant to ORS 192.335(2)(a) (personal privacy) for SSNs, computer login credentials, and the identifying information of medical marijuana patients. ORS 192.355(2)(a) permits agencies to withhold information of a personal nature if "public disclosure would constitute an unreasonable invasion of privacy, unless the public interest by clear and convincing evidence requires disclosure in the particular instance." *Id*. Disclosure constitutes an unreasonable invasion of privacy if "an ordinary reasonable person would deem [disclosure] highly offensive." *Jordan v. MVD,* 308 Or 433, 442-43 (1989). The party seeking disclosure has the burden of showing that public disclosure would not constitute an unreasonable invasion of privacy. ORS 192.355(2)(a). We conclude that in this instance, OLCC was permitted to withhold the SSNs, login credentials, and patient information pursuant to ORS 192.355(2)(a). We recognize that individuals have a heightened privacy interest in their SSNs and believe that an ordinary reasonable person would consider the public disclosure of their SSN to be highly offensive in most instances. We have therefore concluded that SSNs may be withheld under the personal privacy exemption and have recommended that agencies not disclose SSNs without advice from legal counsel. *See Attorney General's Public Records and Meetings Manual (Manual)* at A-7 (2024). We find that public

release of computer login credentials would raise similar privacy concerns and that release of that type of information would also be highly offensive to an ordinary reasonable person. And we have previously found that the personal privacy exemption protects personal medical information including the names of medical marijuana patients. *See Manual* at 81.[2] Nothing in the available record supports the conclusion that the public interest by clear and convincing evidence requires disclosure of SSNs, login credentials, or patient information in this instance. ORS 192.355(2)(a). We therefore respectfully deny this aspect of your petition.

We turn now to the redactions made by OLCC for information derived from criminal records checks. Certain agencies, such as OLCC, are provided access to criminal history through the Oregon State Police for the purpose of conducting background checks. *See* ORS 181A.195(2) and ORS 181A.195(7). This criminal offender information is confidential under ORS 18lA.195(12), and information made confidential under state law is expressly exempt from disclosure. ORS l 92.355(9)(a). Accordingly, we conclude that OLCC was required to withhold any criminal offender information it obtained via these background checks, and we respectfully deny this aspect of your petition.

Finally, we discuss the redactions made by OLCC to the addresses of certain marijuana grower premises. ORS 475C.517 exempts from public disclosure "the address of a premises for which a license has been issued or for which an applicant has proposed licensure." The statute exempts the addresses of marijuana producers, processors, wholesalers, and laboratories. *Id*. Because disclosure of this information is made confidential under state law, ORS 192.355(9)(a) exempts it from public records disclosure. Therefore, we respectfully deny your petition.

Sincerely,

Lisa M. Udland

LISA M. UDLAND
Deputy Attorney General

DEP/pjn
c via email only: Eric Spooner, Records Officer, Oregon Liquor and Cannabis Commission

[2] Because we conclude that the names and identifying information of medical marijuana patients is protected by ORS 192.355(2)(a), we do not reach OLCC's additional argument that the information is made exempt by ORS 475C.868(3).