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July 23, 2025

VIA E-MAIL ONLY: cjamison@norwich.edu

Cameron Jamison
PO Box 788
Medford, OR 97210

Re: Petition for Public Records Disclosure Order
Oregon State Police
DOJ File No.: 257001- GA0094-25

Dear Mr. Jamison:

This letter is the Attorney General's response to your petition under the Oregon Public Records Law, ORS 192.311 to 192.431. Your petition asks the Attorney General to order the Oregon State Police (OSP) to disclose the results of a survey. For the reasons discussed below, we grant your petition in part and deny it in part.

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. *Id*.

Your petition states that you requested a copy of the results of the 2023 and 2024 surveys on employee engagement with the Oregon State Police which were conducted by Gallup Inc. Your petition indicates that OSP denied that request based on federal copyright laws. Your petition argues that disclosure would not violate copyright laws and that many entities throughout Oregon (including the University of Oregon and Metro) routinely share such information.

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In response to your petition, we contacted Holly Bolton, Legal Compliance Specialist for OSP. She provided a copy of the Master Services Agreement between the State of Oregon acting through the Department of Administrative Services (DAS) on behalf of all state agencies (including OSP) and Gallup Inc (Gallup). Pursuant to this contract, Gallup agreed to provide employee engagement surveys and other services to State of Oregon agencies including OSP. Under the terms of the contract, "work product" created such as reports, documents, and compilations of data are the property of purchasing agencies such as OSP. But the contract specifically excludes "contractor intellectual property" from the definition of work product. And the contract states that OSP and other purchasers may not "reproduce" or "distribute externally" to any third parties copies of contractor intellectual property without the permission of Gallup. "Contractor intellectual property" includes any "copyrighted assessments or surveys."

Ms. Bolton also provided excerpts from the OSP surveys sought by you. The surveys are based on Gallups "Q^{12}" materials (a series of 12 employee satisfaction questions). On the survey reports you seek, Gallup has noted that the Q^{12} questions are copyrighted Gallup proprietary information that cannot be reproduced without the consent of Gallup.

Based on our review of the contract and the surveys at issue, we find that the Q^{12} questions on the surveys are copyrighted. Therefore, OSP may not reproduce them without permission from Gallup. 17 USC § 106(1); Attorney General's Public Records & Meetings Manual A-1 (2024).[1] Because disclosure of the survey questions is prohibited by federal law, they are exempt from public records disclosure. ORS 192.355(8). The remaining portions of the surveys, however, are not copyrighted. These would include the responses to the questions and the summary level data. Oregon Public Records law requires OSP to provide those portions of the records. *See* ORS 192.388 (if a public record contains material which is not exempt, the public body is required to separate the exempt material from the nonexempt material).

For the foregoing reasons, we respectfully deny your petition in part and decline to order OSP to reproduce copyrighted material. We also grant your petition in part and order OSP to provide you with a fee estimate to produce the requested surveys with the copyrighted questions redacted. OSP has seven days within which to comply with this order or announce its intention to seek judicial review. ORS 192.411(2).

Sincerely,

Lisa M. Udland

LISA M. UDLAND
Deputy Attorney General

DEP:pjn
c via e-mail only: Holly Bolton(Oregon State Police)

[1] OSP informed us that they have asked DAS to contact Gallup and seek consent for disclosure of the questions to you. If Gallup consents, OSP will provide you with a fee estimate to reproduce the surveys in an unredacted fashion.