DAN RAYFIELD
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

September 4, 2025

Martin Johnson
SID # 5410056
Snake River Correctional Institution
777 Stanton Blvd.
Ontario, OR 97914-0595

Re: Petition for Public Records Disclosure Order
Oregon Department of Corrections
DOJ File No.: 291200-GA0120-25

Dear Mr. Johnson:

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 relates to a records request you submitted to the Oregon Department of Corrections (ODOC). For the reasons discussed below, we respectfully deny your petitions.

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). 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).

You are an adult in custody (AIC) at ODOC. Your petition stems from a request made by you to ODOC for a copy of your "legal law library USB" to be transferred to a DVD for court purposes. On August 13, 2025, ODOC denied your request stating that the files do "not meet the requirements of a Public Records request."

We contacted ODOC's Records Officer, Toby Tooley, to obtain more information regarding ODOC's position. Mr. Tooley explained that qualifying AICs are permitted to use the ODOC law library to conduct research and create documents pertaining to their legal matters. ODOC provides those AICs with a USB drive for storage of their legal documents. *See* OAR 291-139-0190(2)(a) (ODOC "may make removable media devices available for inmate use for saving and storing legal documents created using word processing equipment in the facility law library."). These drives are stored securely by ODOC and can be checked out by the

AIC "for use at an approved law library terminal." OAR 291-139-0190(2)(d). Mr. Tooley indicated that ODOC does not store any ODOC records on the USB drives. The drives contain only material saved by the AICs.

Every person has a right to inspect "any public record" of a public body. ORS 192.314. A "public record" includes "any writing that contains information relating to the conduct of the public's business * * * prepared, owned, used or retained by a public body * * *." ORS 192.311(5)(a). In this instance, the USB drive at issue is in the physical custody of ODOC. But it does not contain "information relating to the conduct of the public's business." *Id*. It contains your personal information. For this reason, we find that the information contained on the USB drive is not a public record for purposes of the Public Records Law. Therefore, ODOC appropriately denied your request, and we respectfully deny your petition.

Sincerely,

BENJAMIN GUTMAN
Interim Deputy Attorney General

DEP/pjn
c via email only: Toby Tooley, Records Officer, Oregon Department of Corrections