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September 9, 2025

Shawn Phillips
SID # 11993774
Deer Ridge Correctional Institution
3920 E. Ashwood Road
Madras, OR 97741

Re: Petition for Public Records Disclosure Order
Oregon Department of Corrections
DOJ File No.: 291200-GA0122-25

Dear Mr. Phillips:

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 request for records you submitted to the Oregon Department of Corrections (ODOC).

Your petition challenges a fee estimate ODOC provided to you for costs associated with the production of the records you are seeking. Specifically, you argue that you should not be required to prepay the fee.[1] The Public Records Law permits agencies to charge "fees reasonably established to reimburse the public body for the public body's actual cost of making public records available * * *." ORS 192.324(4)(b). An agency has no obligation to produce records "until the requester has paid the fee * * *." ORS 192.329(3)(a). For this reason, we respectfully deny your petition.

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[1] Your petition does not challenge the amount or reasonableness of the fee.

Your petition also seeks to challenge the constitutionality of ODOC's decision to charge you a fee. Additionally, your petition argues that aspects of ODOC's record keeping practices "are a direct violation" of your due process and equal protection rights. The Attorney General cannot address those issues in this proceeding, because there is no provision in the Public Records Law giving us the authority to adjudicate your constitutional rights.[2] For these additional reasons, 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

[2] Under the Public Records Law, the Attorney General has authority to review a state agency's denial of a public records request. ORS 192.411(1). The Attorney General also has authority to review a state agency's denial of a public records fee reduction or waiver. ORS 192.324(6). And the Attorney General is authorized to review compliance with certain deadlines and procedures applicable specifically to a public body's response to a records request. ORS 192.407(1).