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September 23, 2025

VIA E-MAIL ONLY: rhaas@opb.org

Ryan Haas
Oregon Public Broadcasting
7140 S Macadam Avenue
Portland, OR 97219

Re: Petition for Public Records Disclosure Order
Oregon State Medical Examiner Office
DOJ File No.: 257001-GA0023-25

Dear Mr. Haas:

This letter responds to OPB's July 15, 2025, request that this office reconsider its order responding to a recent public records petition submitted by OPB. *See* Public Records Order, March 3, 2025, Haas.

OPB's petition asked the Attorney General to order the Oregon State Medical Examiner's (ME) Office to disclose a list of decedent names. OPB's request for reconsideration of that petition argues that the Attorney General failed to consider certain differences between the ME's current and former databases for storing medical examiner's reports. We have, however, previously concluded that the specific type of information at issue in OPB's petition, decedent names, falls within the scope of the exemption for a "medical examiner's report" within the meaning of ORS 192.345(36).[1] We are not persuaded that potential differences in the functionality of the two databases changes that analysis.[2]

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[1] *See* Public Records Order, Jul 1, 2015, Brosseau; Public Records Order, Jul 30, 2021, Sondag, Budnick, and Evans.

[2] OPB has noted that the ME's new database, the Medical-Legal Death Investigation Log (MDIL) has the capability of storing "data fields" not associated with medical examiner reports. We appreciate this additional information, and we do not mean to foreclose OPB or other future petitioners from arguing that certain information in the MDIL database falls outside the exemption for medical examiner reports provided by ORS 192.345(36).

OPB's request for reconsideration also contends that we did not give sufficient weight to OPB's stated public interest. Having reviewed OPB's supplemental argument and the information presented in OPB's petition, we continue to believe, on balance, that the public interest in privacy concerns outweighs the public interest in disclosure expressed by OPB.

OPB's request for reconsideration also asks the Attorney General to rule on the sufficiency of the ME's notification to OPB concerning OPB's right to seek review of the ME's determination that certain records were exempt from public disclosure. ORS 192.329(2)(f) requires the public body to include a statement that the requester may seek review of the public body's determination pursuant to a series of listed statutes. The ME's response to OPB quoted this statutory language in its entirety. Therefore, we conclude that the ME has complied with its statutory obligation to notify OPB of its right to seek review.[3] For these reasons, we respectfully decline to reconsider our March 3, 2025, order.

Sincerely,

BENJAMIN GUTMAN
Interim Deputy Attorney General

DEP:pjn
c via e-mail only: Kelsey Evans, Forensic Director, Oregon State Police, Medical Examiner Division

3 OPB correctly observes that a sample response form published by the Attorney General recommends that the agency both quote the statute (as the ME did) and tell the requester whether their petition should be directed to the Attorney General or to a District Attorney. While directing the requester to the correct reviewer is helpful, ORS 192.329(2)(f) does not require the agency to provide this additional information.