March 25, 1981

Mr. Leslie Zaitz
The Oregonian
1320 S.W. Broadway
Portland, Oregon 97201

Re: Public Records Request

Dear Mr. Zaitz:

This letter will serve as an order of the Attorney General in response to your petition to inspect public records, received in this office March 18, 1981. Your petition requests that you be allowed to review records from two state agencies, which records are now temporarily in the possession of the Department of Justice. Specifically, your request relates to the Oregon Department of Education vocational school licensing file for Williams Institute of Management and Marketing, Inc., and the Oregon Vocational Rehabilitation Division working file on Williams Job Search/Williams Institute of Marketing and Management, Inc.

We have reviewed the files in question, and respond to your petition as follows:

1. With respect to the Department of Education vocational school licensing file, your petition is granted except for the following information:

a. Financial statements for Mr. Dennis Williams, for the years 1972-1977, submitted to the Department of Education as part of the vocational school licensing process. These records relate to Mr. Williams' personal finances and are confidential under ORS 192.500(2)(c), which provides:

> "(2) The following public records are exempt from disclosure under ORS 192.410 to 192.500:
>
> ". . . .

> "(b) Information of a personal nature such as that kept in a personal, medical or similar file, if the public disclosure thereof would constitute an unreasonable invasion of privacy, unless the public interest by clear and convincing evidence requires disclosure in the particular instance. The party seeking disclosure shall have the burden of showing that public disclosure would not constitute an unreasonable invasion of privacy;"

Clearly, a personal financial statement is "information of a personal nature" disclosure of which would "constitute an unreasonable invasion of privacy." Once this determination is made, the burden is on the party seeking disclosure to demonstrate that disclosure of the particular records in question would not result in an unreasonable invasion of privacy. No such showing has been made in this case.

b. A list of some students and former students of the school, which list contains the names of persons referred to the school by the Vocational Rehabilitation Division of the Department of Human Resources. This list is confidential under ORS 192.500(2)(h) and ORS 344.600, which provide:

> "(2) The following public records are exempt from disclosure under ORS 192.410 to 192.500:
>
> ". . . .
>
> "(h) Public records or information the disclosure of which is prohibited or restricted or otherwise made confidential or privileged under ORS . . . 344.600, ..." ORS 192.500(2)(h).
>
> "Except for the purposes directly connected with the administration of vocational rehabilitation, and in accordance with the rules and regulations of the division, no person shall solicit, disclose, receive, make use of or authorize, knowingly permit, participate in or acquiesce in the use of, any list of or names of, or any information concerning persons applying for or receiving vocational rehabilitation directly or indirectly derived from the records, papers, files or communications of the state or subdivisions or agencies thereof, or acquired in the course of the performance of official duties." ORS 344.600.

This statute is very broad, and applies to information in the possession of any state or local governmental agency which might tend to disclose the identity of persons applying for or receiving vocational rehabilitation. The list of names falls within this statute.

c. Information in a school newsletter identifying a student as a Vocational Rehabilitation Division referral has been deleted. Such identifying information is also confidential under ORS 192.500(2)(h) and 344.600, quoted above.

2. With respect to records in the Vocational Rehabilitation Division's working file, your petition is granted except for the following information:

a. Information which is of a personal nature, disclosure of which would result in an unreasonable invasion of privacy. ORS 192.500(2)(b).

Portions of the records found to be confidential under ORS 192.500(2)(b) have been blacked out and the statute number written near the blackout. This information all relates to students at the school. In addition, two letters from former students are deleted in their entirety, because they contain information of a personal nature concerning the students, release of which would be an unreasonable invasion of privacy (ORS 192.500(2)(b)), and because the letters identify the students as referrals through the vocational rehabilitation program and are therefore confidential under ORS 344.600, quoted above.

b. Information from which it could be determined that particular students were vocational rehabilitation referrals has been blacked out. This information is confidential under ORS 344.600, and that statute number appears beside material blacked out based on this statute. In addition, a list containing the names of a number of students referred to the school by the Vocational Rehabilitation Division has been deleted, again based upon ORS 344.600.

You may review copies of the files at your convenience, subject to the exceptions noted above. Please contact Marla Rae at 378-6001 to arrange a time for the review.

Sincerely,

DAVE FROHNMAYER
Attorney General

by Donald C. Arnold
Assistant Attorney General

DF:DCA:tlg

bcc: Dave Frohnmayer
Marla Rae
Chuck Pritchard