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December 18, 2025

VIA E-MAIL ONLY: joshuanoland83@gmail.com

Joshua Noland
3014 Palmyra Street
Medford, Oregon 97504

Re: Petition for Public Records Disclosure Order
Department of Human Services
DOJ File No.: 100101 GA0171-25

Dear Mr. Noland:

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 seeks assistance from the Attorney General in obtaining records you requested from the Oregon Department of Human Services (ODHS). For the reasons that follow, we respectfully deny your petition.

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. ORS 192.411(1).

Your petition stems from a records request you made to ODHS for "records of myself" from January 1, 2025, through November 1, 2025. Your petition states that ODHS provided you with reports containing significant redactions. Your petition challenges the redactions made and requests that the Attorney General order ODHS to produce an unredacted version of the records.

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In connection with your petition, we obtained and reviewed the original records and compared them against the redactions made by ODHS.[1] We also contacted Mallory Kenney, Public Records Unit Manager for ODHS, regarding your petition and the portions of the records ODHS redacted. Ms. Kenney explained that ODHS redacted part of a child welfare assessment because it pertains to an open criminal case, and the records you seek were provided by ODHS to law enforcement in connection with that investigation.[2] Therefore, ODHS's position is that the redacted materials are currently exempt under ORS 192.345(3) (the criminal investigatory exemption).

ORS 192.345(3) conditionally exempts "[i]nvestigatory information compiled for criminal law purposes." Because the records you seek were obtained by law enforcement in connection with an active criminal case, they were compiled for criminal law purposes.[3] Therefore, we conclude that ODHS is permitted to withhold those materials under ORS 192.345(3) unless the public interest requires disclosure in this instance. The Court of Appeals has explained that "investigations connected with pending or contemplated proceedings will ordinarily remain secret because disclosure would likely interfere with enforcement proceedings." *Jensen v. Schiffman,* 24 Or App 11, 16 (1976) (internal quotations omitted). Your petition does not address the public interest, and we are not aware of any heightened public concern regarding this criminal case. For these reasons, we find that the redacted portions of the records pertaining to the criminal case are exempt from disclosure at this time.

Ms. Kenney also explained that the records you seek were compiled under Oregon's Child Abuse Reporting Statutes, ORS 419B.010 to 419B.050, and are therefore confidential under ORS 419B.035(1).[4] Although ORS 419B.035(1) contains exceptions that permit ODHS to disclose confidential child abuse records in limited circumstances, she explained ODHS' position that none of those exceptions apply to your request.[5] Ms. Kenney also explained that under ORS 419B.035(3), ODHS has limited discretion to release child abuse records when necessary to

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1 After receiving your petition, ODHS reconsidered some of its initial redaction decisions and re-released the records to you on December 18, 2025. We compared the original records against the redacted records released by ODHS on December 18.

2 In your petition, you state that you have not been charged with any crimes. The redacted records relate to criminal charges brought against another individual in Jackson County Circuit Court Case No. 25CR21138.

3 *Attorney General's Public Records and Meeting Manual* at 48-49 (2024) *citing* Public Records Order, Jan 17, 2020, Bial (Department of Corrections records subpoenaed by District Attorney exempted from disclosure).

4 ORS 419B.035(1) states, in relevant part, that notwithstanding the provisions of the Oregon Public Records Law, "reports and records compiled under the provisions of ORS 419B.010 to 419B.050 are confidential and may not be disclosed except as provided in this section * * * ."

5 Regarding the exceptions to the general rule of confidentiality, ORS 419B.035(1) generally requires DHS to disclose child abuse records – in limited circumstances and for limited purposes – to: law enforcement agencies; certain medical providers; attorneys or other parties in juvenile court proceedings; certain citizen review boards; court appointed special advocates in certain proceedings; the Office of Child Care; the Office of Children's Advocate; the Teacher Standards and Practices Commission for certain investigations; Disability Rights Oregon, and to any person in cases where a child, as the result of abuse, died or suffered serious physical injury.

promote the best interests of the affected child and certain other prescribed purposes.[6] In this instance, ODHS exercised that discretion and elected to disclose a portion of the records to you pertaining specifically to you and your children. ODHS withheld, however, certain records related to other individuals because ODHS determined that disclosing those records to you is not necessary to promote the limited purposes prescribed by ORS 419B.035(3).

After reviewing the redacted records and discussing the requested records with Ms. Kenney, we find that they were compiled under Oregon's Child Abuse Reporting Statutes. They are therefore confidential under ORS 419B.035 and expressly exempt from public disclosure under ORS 192.355(9)(a). None of the exceptions listed in ORS 419B.035(1) appear to apply to your request. Although DHS has limited discretion to disclose the records, it has determined that disclosing the redacted portions of the records to you would not promote the limited purposes detailed in ORS 419B.035(3). Under the circumstances, we have no reason to second-guess DHS' statutorily entrusted determination and therefore conclude that the department was permitted to withhold the records.

For the foregoing reasons, we respectfully deny your petition.

Sincerely,

BENJAMIN GUTMAN
Deputy Attorney General

DEP:pjn
c via e-mail only: Mallory Kenney (DHS)

[6] ORS 419B.035(3) permits DHS to make records compiled under Oregon's Child Abuse Reporting Statutes available to any person "when the department determines that such disclosure is necessary to administer its child welfare services and is in the best interests of the affected child, or that such disclosure is necessary to investigate, prevent or treat child abuse and neglect, [and] to protect children from abuse * * * ."