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December 26, 2025

VIA E-MAIL ONLY: rpbing48@gmail.com

Patricia Bingaman
PO Box 509
Imbler, OR 97841

Re: Petition for Public Records Disclosure Order
Department of Human Services
DOJ File No.: 100301-GA0181-25

Dear Ms. Bingaman:

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, dated December 18, 2025, seeks assistance from the Attorney General in obtaining records you requested from the Oregon Department of Human Services (ODHS) on October 15, 2025. Your petition also asks the Attorney General to order ODHS to provide records currently in the custody of a third party. For the reasons discussed below, we respectfully grant your petition in part and dismiss your petition in part.

Your petition attaches a "formal complaint" that you submitted to ODHS. That complaint alleges that Nadine's Nest Adult Foster Home failed to comply with HIPAA and the Oregon Administrative Rules by denying you access to medical records pertaining to your late husband. Your petition states that ODHS has not responded to your formal complaint, and you argue that this "constitutes a constructive denial of access to these records." Under the Public Records Law, the Attorney General has statutory authority to order the production "of any public record of a state agency * * *." ORS 192.411(1). But we do not have statutory authority to order ODHS to obtain records from a third party or to investigate or act upon your complaint. For these reasons, we respectfully dismiss your petition as it relates to your formal complaint concerning records in the possession of the adult foster home.

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Your petition also explains that you sent a multi-part records request to ODHS on October 15, 2025. You explain that ODHS has not yet completed its response, and you request that we order disclosure of the records.

We discussed your petition with Mallory Kenney, Public Records Unit Manager for ODHS. She explained that ODHS currently has 2,198 pending records requests, and the delays in responding to your request were due to a significant backlog. We also reviewed the correspondence between you and ODHS. ODHS acknowledged your request and subsequently provided you with a letter on December 1, 2025, explaining that ODHS "expects to complete its response to this request by December 23, 2025." On December 23, 2025, ODHS provided some responsive records and sent you another letter stating that "ODHS expects additional records to be released on January 15, 2026." The December 23, 2025, letter did not contain an estimated date by when ODHS expected to complete its response to you.

Upon receipt of a written public records request by an individual identified in an agency's published procedures for submitting requests, the agency is obligated to respond to the request "as soon as practicable and without unreasonable delay." ORS 192.329(1). An agency that is unable to complete its response within fifteen business days of receiving a written request is required to provide the requester with a reasonable estimated completion date. ORS 192.329(5). A requester may petition the Attorney General if they believe an agency has failed to comply with the processing timelines contained in ORS 192.329. ORS 192.407(1). The agency carries the burden of sustaining its actions. ORS 192.411(1).

We are required to treat ODHS's failure to provide an estimated completion date in its December 23, 2025, letter as a denial of your request. ORS 192.407(1)(a). Given the complexity of your request and the number of requests ODHS is concurrently processing, we do not find that ODHS has unreasonably delayed processing your request to this point. ODHS has stated that it anticipates producing additional records to you on January 15, 2026. But ODHS has not supplied us with any further information about its estimated timeframe to complete its response to your request. Under these circumstances, we grant your petition, and we order ODHS to complete its production by January 15, 2026. If ODHS elects not to comply with this order, it has seven days to announce its intention to seek judicial review. *See* ORS 192.407(3) and 192.411(2).

Sincerely,

BENJAMIN GUTMAN
Deputy Attorney General

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