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February 9, 2026

VIA E-MAIL ONLY: jeff@saveoregonschools.org

Jeff Myers
8755 SW 165th Ave
Beaverton, OR 97007

Re: Petition for Public Records Disclosure Order
Department of Early Learning Care
DOJ Files: 588001-GA0030-26

Dear Mr. Myers:

This letter is the Attorney General's response to your petition under the Oregon Public Records Law, ORS 192.311 to 192.478. Your petition challenges a fee estimate provided by the Department of Early Learning and Care (DELC).

Agencies may establish fees reasonably calculated to recover actual costs in making public records available. ORS 192.324(4)–(5). Although the Attorney General generally does not have the authority to review the reasonableness of a fee estimate, the Attorney General may evaluate claims that "the amount of the fee in comparison to the nature of the request suggests that the true purpose of the fee is to constructively deny the request, rather than to recoup the agency's actual costs." *Attorney General's Public Records & Meetings Manual* 18 (2024). This evaluation requires the public body to explain how it calculated its fee.

Your petition stems from a request you made for records provided by DELC in response to other public records requests over a two-month period. In response, DELC provided a fee estimate of $62.50, citing the need to review certain records for redactions. Your petition argues that you should not be charged for reviewing records that "have already been reviewed, redacted (as needed), and provided to the requester."

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In correspondence with you, DELC explained that redactions "on produced material from DELC [are] often dependent on the identity of the requester * * *." In some circumstances, an agency's response can vary depending upon the requester. For example, the personal privacy exemption provided by ORS 192.355(2) protects only the privacy of the person about whom the records contain information, not the public body.[1] Frequently, requesters seek public records personal to them—such as a citizen requesting a criminal investigation file where they are the victim. In that instance, the agency and the citizen may agree to release personal information (e.g., a medical diagnosis) unredacted. That same citizen, however, would likely object to releasing their medical information to the media or another requester. Accordingly, we do not find it unreasonable for DELC to review previously released records for potential additional redactions. Therefore, DELC's $62.50 fee estimate appears calculated to recoup the actual costs associated with providing the records sought by you, and we respectfully deny your petition.

Sincerely,

BENJAMIN GUTMAN
Deputy Attorney General

DEP:pjn
c via e-mail only: Madison Buck (Department of Early Learning and Care)

[1] *See Attorney General's Public Records and Meetings Manual* at 77 (2024).