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DEPARTMENT OF JUSTICE

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March 12, 2026

VIA E-MAIL ONLY: cheyennemallott@gmail.com

Cheyenne Boyd
Cheyennemallott@gmail.com

Re: Petition for Public Records Disclosure Order
Department of Human Services
DOJ File No.: 100305 GA0053-26

Dear Ms. Boyd:

This letter is the Attorney General's response to your petition for disclosure under the Oregon Public Records Law, ORS 192.311 to 192.478. Your petition asks the Attorney General to review the legality of certain actions taken by the Oregon Department of Human Services (ODHS). For the reasons that follow, we respectfully deny your petition.

Your petition explains that you "submitted a formal written demand to Director Liesl Wendt of ODHS and the Office of Developmental Disabilities Services (ODDS)." Your demand requested that ODHS de-identify and redact certain information regarding individuals with disabilities. You ask the Attorney General to "review the legality of the 70-year retention of identifiable data under OAR 166-150-0055" in light of recent updates to the Oregon Consumer Privacy Act. You also ask the Attorney General to order "the agency to redact" specific diagnostic information. The Attorney General cannot address those issues in this proceeding, because there is no provision in the Public Records Law giving us the authority to review retention schedules or mandate redactions to records maintained by state bodies.[1]

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[1] Under the Public Records Law, the Attorney General has authority to review a state agency's denial of a public records request. ORS 192.411(1). The Attorney General also has authority to review a state agency's denial of a public records fee reduction or waiver. ORS 192.324(6). And the Attorney General is authorized to review compliance with certain deadlines and procedures applicable specifically to a public body's response to a records request. ORS 192.407(1).

Your complaint also explains that you requested an Accounting of Disclosures under the Oregon Consumer Privacy Act. You state that ODHS did not respond to your written demand, and you ask the Attorney General to order disclosure. ODHS complied with Public Records law by publishing a written procedure for making records requests. ORS 192.324(7).[2] Your request to ODHS, sent to the Director of ODDS, was not submitted in accordance with this procedure. Therefore, ODHS had no obligation to respond. *See* ORS 192.324(2). Under these circumstances, we cannot conclude that ODHS denied a public records request for the records you seek. Because ODHS has not denied a public records request from you, we respectfully deny your petition. ORS 192.411(1) (in general, the Attorney General may order disclosure only when a records request has been denied).[3]

Sincerely,

BENJAMIN GUTMAN
Deputy Attorney General

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

[2] ODHS accepts requests via mail to the ODHS Public Records Unit, email, and through an online portal. *See* Oregon Department of Human Services : ODHS Records Requests : State of Oregon,

[3] We also note that the Public Records Law does require public bodies to create records in response to request, and as discussed above, the Attorney General is not authorized to enforce the Oregon Consumer Privacy Act in the context of a Public Records Law petition.