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May 6, 2026

VIA E-MAIL ONLY: vince@redbarncannabis.com

Vince Pastoria
1079 N. Old Pacific Hwy
Myrtle Creek, OR 97457

Re: Petition for Public Records Disclosure Order
Oregon Liquor and Cannabis Commission
DOJ File No.: 845500-GA0075-26

Dear Mr. Pastoria:

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 asks the Attorney General to order the Oregon Liquor and Cannabis Commission (OLCC) to produce cannabis sales information. 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. *Id*.

Your petition stems from a request to OLCC for cannabis sales data for the City of Roseburg over the first three months of 2026. OLCC denied your request stating that "we have been in consultation with the subject matter expert and have reached the conclusion that the data is proprietary in nature under ORS 475C.517." Your petition explains that your company owns seven cannabis dispensaries and that you rely on this data to track the cannabis market. You state that OLCC had previously provided this type of information to you in response to public records requests.

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We contacted Eric Spooner, OLCC Public Records Coordinator, regarding your petition. He explained that METRC is the name of the state-administered cannabis tracking system. This system is used by both recreational marijuana licensee and medical marijuana registered grow sites, processing sites, and dispensaries. Mr. Spooner stated that OLCC considers the data submitted to METRC by the licensees to be proprietary in nature and exempt from disclosure pursuant to ORS 475C.517.

In the past, OLCC has provided deidentified sales data in response to requests seeking information concerning discrete geographical regions (e.g., the City of Roseburg). Mr. Spooner explained that the OLCC Public Records Unit in connection with OLCC's Marijuana Analytics Team recently reexamined that practice as a result of concerns regarding the proprietary nature of data held in the METRC system. OLCC has concluded that providing proprietary data in a more granular manner than what is already proactively produced (county level), poses concerns that could return results that could feasibly identify a specific licensee's information even if the transactions are deidentified or summarized in response to a particular public records request.

ORS 475B.451(1)(c) exempts from disclosure any information that "[i]s related to any record that the Oregon Liquor Control Commission determines contains proprietary information of a licensee." OLCC has previously determined that sales data contained in the METRC databases that is attributable to particular retailers is proprietary, and we have affirmed that determination.[1] OLCC has now concluded that the city-level data you request is also proprietary, and we do not find that decision unreasonable or arbitrary. Releasing deidentified proprietary data based on discrete geographic regions poses risks of reidentification. OLCC has indicated that in many regions, the number of licensees is limited, making it possible to infer the sales of an individual business based on the size of the local market or known business operations. Requesters may have additional insight into specific regional data based on industry involvement and ownership of dispensaries within the geographical area.[2]

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[1] Public Records Order, Jul 7, 2021, Wren.
[2] We also observe that even in larger areas one business may dominate sales, creating the potential to identify company-specific performance from aggregated figures. In addition, releasing data broken down by specific time periods within discrete regions may allow for the identification of patterns associated with known business events such as openings, closures, promotions, or changes in operating hours.

The Legislature has given OLCC discretion to determine what information it considers proprietary. Under the circumstances, we have no reason to second-guess the determination, statutorily entrusted to OLCC, that the data you seek is proprietary. Because we accept OLCC's determination that this information is proprietary, it is expressly exempt from disclosure under ORS 475B.451. *See also* ORS 192.355(9)(a) (exempting from disclosure records or information made confidential, restricted or privileged under other Oregon law). We therefore respectfully deny your petition.[3]

Sincerely,

BENJAMIN GUTMAN
Deputy Attorney General

DEP:pjn
c via e-mail only: Eric Spooner (OLCC)

[3] OLCC also argues that is not required to create new records in response to a public records request. Because we find for OLCC on the basis ORS 475B.451(1)(c), we do not reach this argument.