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May 5, 2026

VIA E-MAIL ONLY: sabacooperative@gmail.com

Shasta Winn
sabacooperative@gmail.com

Re: Petition for Public Records Disclosure Order
Oregon Health Authority
DOJ File No.: 443748-GA0087-26

Dear Ms. Winn:

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 relates to public records requests submitted by you to the Oregon Health Authority (OHA). Your petition challenges OHA's redactions of certain records pursuant to the attorney-client privilege. You also challenge the completeness of OHA's records response. 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*.

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OHA redacted certain portions of the records it produced to you, citing the attorney-client privilege. In considering your petition, we obtained the unredacted records from OHA and compared them to the redacted versions you received. The redacted material reflects OHA's attorney's legal analysis of a draft agreement. We agree with OHA that these comments constitute confidential legal advice and are therefore exempt from disclosure under the Public Records Law.[1]

Your petition also challenges the completeness of OHA's records production in response to two specific requests.[2] We contacted Jeanne Windham, OHA's Public Records Coordinator, about these requests. Ms. Windham indicated that OHA provided all responsive records. No documents were withheld. The only information redacted was the attorney-client privileged material previously discussed. Under the circumstances, we have no reason to doubt OHA's representation that additional records do not exist. For these reasons, we respectfully deny your petition.

Sincerely,

BENJAMIN GUTMAN
Deputy Attorney General

DEP/pjn
c via email only: Jeanne Windham (OHA)

[1] ORS 192.355(9)(a) expressly exempts from disclosure "[p]ublic records or information the disclosure of which is prohibited or restricted or otherwise made confidential or *privileged* under Oregon law." (Emphasis added.) ORS 40.225 is one such law because it provides that clients have "a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purpose of facilitating the rendition of professional legal services to the client." Accordingly, ORS 192.355(9)(a) permits public bodies to withhold public records that are protected by the attorney-client privilege. *See, e.g., Port of Portland v. Ore. Center for Environ. Health*, 238 Or App 404, 409 (2011) (ORS 192.355(9)(a), then codified at ORS 192.502(9)(a), encompasses attorney-client privilege).

[2] Requests 2024-1003 and 2025-0635.