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June 29, 2026

VIA E-MAIL ONLY: kaylee@investigatewest.org

Kaylee Tornay
kaylee@investigatewest.org

Re: Petition for Public Records Disclosure Order
Department of Human Services
DOJ File No.: 100101-GA0073-26

Dear Ms. Tornay:

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 order the Oregon Department of Human Services (ODHS) to disclose certain child welfare records. For the reasons that follow, we respectfully grant the petition in part, and we deny the petition in part.

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. ORS 192.411(1).

Your petition stems from a request for ODHS Child Protective Services (CPS) "intake reports, contacts, investigations or findings involving Deborah M. Albin or Andrew Oaks." Ms. Albin and Mr. Oaks have both been criminally charged in the death of their two-month old daughter Opal Oaks. Ms. Albin has been convicted of Manslaughter in the First Degree, and Mr. Oaks is pending trial on charges that include Murder in the Second Degree.

ODHS originally withheld the requested records citing ORS 192.355(9)(a) (incorporating ORS 419B.035(1)) and ORS 192.345(3) (the criminal investigatory exemption). After receiving your petition, ODHS withdrew many of its exemptions and disclosed, among other records, a redacted versions of its CPS assessment (the Assessment) of Ms. Albin and Ms. Oaks related to the death of Opal Oaks.

Your amended petition contests two sets of redactions applied by ODHS to the Assessment. You challenge redactions made to page 6 below the heading of "Assessment History," and you challenge redactions on page 10 below the heading of "Child Functioning." ODHS states that the redacted material on page 6 is protected by ORS 419B.035(1). ODHS contends that the redactions to page 10 are exempted by ORS 192.355(2)(a) (the personal privacy exemption).

In general, records compiled under Oregon's Child Abuse Reporting Statutes, ORS 419B.010 to 419B.050, are confidential under ORS 419B.035(1).[1] ORS 419B.035(1)(i), however, creates an exception that requires disclosure "if the reports or records requested regard an incident in which a child, as the result of abuse, died * * *." ODHS contends that that the redacted material on page 6 does not pertain to an incident in which a child died of abuse. We reviewed the unredacted Assessment. The information on page 6 below the heading of "Assessment History" describes 19 prior assessments conducted by ODHS between 1999 and 2012. We find that assessments conducted more than ten years prior to the birth of Opal Oaks do not pertain to her death and were properly withheld by ODHS pursuant to ORS 419B.035(1).

ODHS redacted two sentences on page 10 under the "Child Functioning" heading pursuant to ORS 192.355(2)(a), which exempts "information of a personal nature such as but not limited to that kept in a personal, medical or similar file, if public disclosure would constitute an unreasonable invasion of privacy * * *." Ordinarily, personal medical information is regarded as highly private.[2] In this instance, however, the information redacted from page 6 has already been disclosed in a publicly available filing in the criminal cases involving Mr. Oaks and Ms. Albin. Because this information is already public, further release does not constitute an unreasonable invasion of privacy, and the information is not exempt under ORS 192.335(9)(a).

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[1] ORS 419B.035(1) states, in relevant part, that notwithstanding the provisions of the Oregon Public Records Law, "reports and records compiled under the provisions of ORS 419B.010 to 419B.050 are confidential and may not be disclosed except as provided in this section * * * ."

[2] *See Attorney General's Public Records and Meetings Manual* at 81 (2024).

For the foregoing reasons, we conclude that ODHS was permitted to redact the information concerning prior assessments on page 6. We therefore respectfully deny your petition as to those records. With respect to page 10, however, we grant the petition, and we order ODHS to remove the redactions to the sentences under the "Child Functioning" section. 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)
Dave Bahr (Attorney for Petitioner)