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Angelina Godoy
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Re: Petition for Public Records Disclosure Order
Oregon State Police
DOJ File Nos.: 257001-GA0116-26 and 257001-GA0114-26

Dear Mr. Chiotti and Ms. Godoy:

This letter is the Attorney General's response to the petitions filed by Tony Chiotti and Angela Godoy under the Oregon Public Records Law, ORS 192.311 to 192.431. Both petitions ask the Attorney General to order the Oregon State Police (OSP) to disclose records relating to use of the Law Enforcement Data System (LEDS). Because the petitions present substantially similar issues, we address them together. For the reasons that follow, we respectfully deny both petitions.

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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Ms. Godoy seeks "records of all LEDS queries made between 12/25/25 – 12/31/25" for two specific license plates, including the query and the response received. Mr. Chiotti seeks the date, time, and query of each LEDS search performed by two Beaverton Police Department detectives over a five-month period, and LEDS query information for a particular license plate and VIN over a three-month period. OSP denied the requests stating that access to information contained within the LEDS system is restricted by state law and therefore exempt under ORS 192.355(9)(a).[1]

Mr. Chiotti argues that he is not requesting LEDS data, but only access logs showing which officials ran LEDS queries. He asserts that these logs reflect government employees' actions and do not reveal protected information within LEDS. Ms. Godoy similarly asserts that while LEDS contains specially protected investigative records, there is no comparable restriction on records showing the transmission of queries and responses.

OSP has not performed an audit of the LEDS transactions requested by either petitioner, and no preexisting audit report containing the requested information exists. To produce responsive records, OSP would be required to query LEDS using its internal audit tools. Thus, the request would require OSP to access the LEDS system on behalf of a member of the public. The threshold question, therefore, is whether the LEDS statutes or rules permit or restrict such use.

LEDS was created by the Legislature under ORS 181A.280 and its implementing regulations are in OAR 257, division 15. LEDS includes "a criminal justice telecommunication and information system for storage of criminal justice information submitted by criminal justice agencies for the State of Oregon." ORS 181A.280(2)(a). LEDS also serves "as the control point for access to similar programs operated by other states and the federal government." ORS 181A.280(2)(b). LEDS itself is a series of software systems that are interconnected to form the whole of LEDS. Within the LEDS system, OSP must "[o]perate a program of record validation, quality control, and audits to ensure" accurate record keeping and compliance with state and national standards.[2] To accomplish this function, OSP uses a message archival retrieval tool (MART) contained within LEDS, which allows it to retrieve messages sent to and from the LEDS system for records contained within LEDS.

Read together, the governing statutes and rules reflect a consistent legislative and administrative intent to strictly limit access to LEDS. ORS 181A.280(1)(d) requires LEDS to provide service "to all qualified criminal justice agencies and designated agencies." Nothing in the statute authorizes providing LEDS services in response to public records requests. Likewise, the implementing rules[3] do not provide for public use of LEDS. They require the program to "[d]evelop and operate a computerized ***criminal justice*** telecommunications and information

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[1] OSP also asserted that the records were exempt pursuant to ORS 192.355(8) (incorporating various federals statutes and regulations) and ORS 192.345(3) (the criminal investigatory exemption). Because we find for OSP on the basis of ORS 192.355(9)(a), we do not reach those issues.
[2] ORA 257-015-0040(9).
[3] ORS 181A.280(3) authorizes OSP to adopt "rules establishing procedures for submission, access and dissemination of information" by LEDS.

system"[4] and "assist and train ***criminal justice agencies*** in the development of information from LEDS and associated systems for use in criminal investigations."[5] LEDS is to "provide assistance and information access to non-criminal justice user agencies for statutory licensing, employment and regulatory purposes and for other purposes authorized by law."[6] LEDS must "[d]evelop and maintain linkages with the [DMV and other non-criminal justice agencies] to make appropriate information available * * * ***to assist in the enforcement of state criminal and traffic laws and regulations***."[7] None of these permitted functions includes providing LEDS access to members of the public.

Information contained in LEDS "is made available to LEDS users [and] [e]ach user must observe any restrictions placed on the use or dissemination of information by its source."[8] LEDS users must enter an agreement obligating them to comply with LEDS rules and policies.[9] There is no mechanism by which a non-LEDS user, such as a public-records requester, may access LEDS. To the contrary, the rules expressly limit any public demonstration involving LEDS records or communications to information pertaining to the individual conducting the demonstration or to test records.[10]

We are mindful that "exemptions to disclosure are to be narrowly construed." *Mail Tribune, Inc. v. Winters*, 236 Or App 91, 94 (2010). When a statute is reasonably susceptible to a construction favoring disclosure, that construction prevails. *Colby v. Gunson*, 224 Or App 666, 676 (2008). Here, however, the LEDS statutes and rules leave no reasonable interpretation that would permit a public-records requester to obtain LEDS information by causing OSP to run LEDS inquiries on the requester's behalf. Viewed in their entirety, these statutes and regulations reflect the Legislature and OSP's intent to create a law enforcement resource that is not open to public inspection.[11]

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[4] OAR 257-015-0040(1) (emphasis added).
[5] OAR 257-015-0040(4) (emphasis added).
[6] OAR 257-015-0040(10).
[7] OAR 257-015-0040(5) (emphasis added).
[8] OAR 257-015-0060.
[9] OAR 257-015-0050(1).
[10] OAR 257-015-0060(8).
[11] OSP argues that sound policy reasons underlie this determination. Releasing query information would risk exposing law-enforcement investigative activity. Public confirmation of LEDS queries could alert individuals that they are being investigated or reveal which agency is conducting the inquiry. With that knowledge, individuals could change their behavior to evade detection or otherwise circumvent the law. Likewise, disclosing that no such checks have been made could signal to individuals that they are not currently under scrutiny, potentially encouraging continued unlawful activity.

Because the statutes and rules do not authorize OSP to conduct searches of the LEDS system for public-records requesters, access to LEDS query data is "prohibited or restricted" under Oregon law. The requested records are therefore exempt under ORS 192.355(9)(a) and not subject to public interest balancing.[12] For these reasons, we respectfully deny the petitions submitted by Mr. Chiotti and Ms. Godoy.

Sincerely,

BENJAMIN GUTMAN
Deputy Attorney General

DEP:pjn
c via e-mail only: Holly Bolton (Oregon State Police)

[12] *See Attorney General's Public Records and Meetings Manual* at 6 (2024) at 9 (explaining that the exemptions in ORS 192.355 are not dependent on whether the public interest requires disclosure in the particular instance.)