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July 29, 2026

VIA E-MAIL ONLY: rsw@rswfire.com

Robert White
rsw@rswfire.com

Re: Petition for Public Records Disclosure Order
Oregon State Police
DOJ File No.: 257001-GA0140-26

Dear Mr. White:

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 challenges the Oregon State Police's (OSP) response to a records request made by you. For the reasons discussed below, we respectfully dismiss your petition in part and deny your petition in part.

Your petition stems from a request sent to OSP in April 2026. OSP responded by producing a CAD report and citing the exemption for body camera video provided by ORS 192.345(40). You have asked the Attorney General to order OSP to state whether it has responsive records, produce any nonexempt records, and cite any exemptions claimed. After receiving your petition, OSP reopened your records request indicating that OSP had located "additional records, not in our system at the time of the original request." OSP stated that "we will provide the records, once collected and reviewed," and OSP provided an estimated completion date. Because OSP has reopened this request with the intent to locate and review additional records, we respectfully dismiss this portion of your petition as moot. After OSP completes its supplemental response, you may, of course, file a new petition if you believe OSP has improperly withheld records from you or unreasonably denied your request for a fee waiver.

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You have also challenged the timeliness of OSP's response to your request. Upon receipt of a written public records request by an individual identified in an agency's published procedures for submitting requests, the agency is obligated to respond to the request "as soon as practicable and without unreasonable delay." ORS 192.329(1). An agency that is unable to complete its response within fifteen business days of receiving a written request is required to provide the requester with a reasonable estimated completion date. ORS 192.329(5). A requester may petition the Attorney General if they believe an agency has failed to comply with the processing timelines contained in ORS 192.329. ORS 192.407(1). The agency carries the burden of sustaining its actions. ORS 192.411(1).

You submitted your request to OSP on April 2, 2026. The correspondence shows that you requested a fee waiver from OSP. In response, OSP requested that you complete its public interest threshold evaluation form. You emailed OSP on April 14 indicating that you would "complete your form and return it to you shortly." You did not send a further response to OSP until July 9. After receiving your July 9 response, OSP waived the fee associated with the nonexempt record it had located and produced it to you on July 17.

We find that OSP acted in good faith by requesting clarification from you concerning the basis for the fee waiver.[1] As a result, OSP's obligation to respond was suspended pending your response, which was not received until July 9. *See* ORS 192.329(4)(a). Under these circumstances, we cannot conclude that OSP acted with unreasonable delay, and we respectfully deny this portion of your petition.

Finally, we address certain relief that you have requested that is not authorized under Oregon's Public Records Law. Specifically, you ask the Attorney General to order OSP to make certain statements about records retention and the scope of its records searches. Because these requests exceed the scope of the Attorney General's authority under the Public Records Law,[2] we respectfully decline to order the relief you seek.

Sincerely,

BENJAMIN GUTMAN
Deputy Attorney General

DEP:pjn
c via e-mail only: Holly Bolton (OSP)

[1] The Oregon Department of Administrative Services' statewide policy on fees recommends that agencies obtain the information contained on OSP's public interest threshold evaluation form prior to making a fee waiver decision.
[2] Under the Public Records Law, the Attorney General has authority to review a state agency's decision to withhold records from public inspection. ORS 192.411(1). The Attorney General may consider whether a fee waiver was unreasonably denied. 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).