DAN RAYFIELD
ATTORNEY GENERAL

BENJAMIN GUTMAN
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

Justice Building
1162 Court Street NE
Salem, Oregon 97301-4096
Telephone: (503) 378-6002

July 29, 2026

VIA E-MAIL ONLY: ryanbackhuus@gmail.com

Ryan Backhuss
ryanbackhuus@gmail.com

Re: Petition for Public Records Disclosure Order
SAIF Corporation
DOJ File No.: 435300-GA0138-26

Dear Mr. Backhuus:

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 review SAIF Corporation's (SAIF) responses to your request for records related to your workers' compensation claim and SAIF's claim handling procedures. Your petition also seeks review of SAIF's decision to deny your request for a fee waiver. For the reasons that follow, we respectfully deny your petition.

Your petition stems from a records request sent to SAIF on May 29, 2026. Your request sought thirteen categories of records. Each of the thirteen categories contains multiple different requests. You explain that these requests "arose from SAIF's handling of [your] worker's compensation claim * * *." Your petition challenges SAIF's responses to a subset of these requests.

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As an initial matter, we address relief you have requested that is not authorized under Oregon's Public Records Law. Specifically, you request that the Attorney General's order reflect stipulations or statements made by SAIF "for petitioner's use in the Worker's Compensation Division (WCD) and Division of Financial Regulation (DFR) proceedings * * *." You ask the Attorney General to include an "enforceable procedural stipulation" concerning future fee waiver decisions made by SAIF. You request that SAIF be ordered to provide a privilege log and a "written declaration under oath." Because these requests exceed the scope of the Attorney General's authority under the Public Records Law, [1] we respectfully decline to order the relief you seek.

We next address SAIF's fee waiver decision. Agencies "may furnish copies without charge or at a substantially reduced fee if the custodian determines that the waiver or reduction of fees is in the public interest because making the record available primarily benefits the general public." ORS 192.324(4)–(5). The furnishing of public records primarily benefits the general public when its greatest utility is to the community or society as a whole. *See In Defense of Animals*, 199 Or App 160, 189 (2005). In determining whether the requester has established a sufficient public interest, relevant factors include the requester's identity, the purpose for which the requester intends to use the information, the character of the information, and whether the requested information is already in the public domain. *See Attorney General's Public Records and Meetings Manual (Manual)* at 19-20 (2024). And regardless of how interested the public may be in a particular matter, if the requester fails to demonstrate the ability to meaningfully disseminate the requested information, disclosure will not primarily benefit the general public. *See id*.

In response to your request that sought records "identifying SAIF investigators, claims adjusters, or other personnel who use or have used generative-AI tools in claim work, by name, role, and the period of such use," SAIF provided a fee estimate and exercised its discretion to deny your fee waiver request. You contend that SAIF should have granted a public-interest fee waiver because there is a significant interest in understanding how SAIF uses AI to process claims.[2] SAIF responds that the responsive records would contain only AI license and usage data. SAIF's records would not show whether the use of AI was related to claims work or some other work. In SAIF's view, the "public interest in AI usage data for SAIF employees is low, especially where the data is not able to be contextualized to any particular situation."

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[1] 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).
[2] Your supplemental response aggregates news articles, papers, and references to litigation concerning the use of AI in insurance claim processing.

In denying your request, SAIF also noted that you had not demonstrated an ability to meaningfully disseminate the information. You state that you intend to share the records with various state agencies, members of the Oregon Legislature, and members of the press. You also indicate an intent to disseminate the information via a web-based business you operate.[3]

Based on the record before us, we conclude that the information at issue would not meaningfully advance the public interest you identify because it would not reveal how SAIF uses AI in claims evaluation, only aggregate usage data with no context. Furthermore, the information you have provided does not show that you currently have the ability to meaningfully disseminate the records to the general public. Your stated plan relies primarily on third parties choosing to further distribute the information. This speculative, contingent dissemination is not sufficient to demonstrate your own ability to reach the public.[4] We therefore conclude that SAIF's fee-waiver decision was reasonable, and we respectfully deny this portion of your petition. [5]

We next discuss your requests for SAIF's policies, procedures, practices, guidance, communications, and standards related to the processing of claims (the Claims-Processing Records).[6] SAIF asserts that the Claims-Processing Records are exempt from disclosure under ORS 192.345(34), which protects "sensitive business records or financial or commercial information of the State Accident Insurance Fund Corporation that is not customarily provided to business competitors." SAIF argues that these records capture practical institutional knowledge, including internal philosophies, legal advice, best practices, decision standards, workflows, escalation criteria, and methods for using SAIF systems. SAIF argues that release of these records would permit competitors to obtain the benefit of SAIF's development, testing, and refinement of its practices without incurring the comparable development and training costs, which would put SAIF at a competitive disadvantage. SAIF also contends that release of these records would permit opposing parties and competitors to anticipate SAIF's negotiating positions, infer settlement or approval thresholds, and modify litigation or negotiation strategies.

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[3] The business website you identified, *medcompare.co*, provides free access to a searchable database of hospital pricing data, with paid access for additional functionality. The website appears to be a specialized business platform, not a news, media, or public-interest distribution channel with broad reach. Its content, audience, and purpose are unrelated to workers' compensation claims handling, and nothing in the record shows that this site has an established readership.

[4] *See* Public Records Order, Aug 31, 2020, Ranweiler (finding "no basis to conclude that [record petitioner's] plan to post documents online will reach any significant segment of the public"); *see also Judicial Watch, Inc. v. Rossotti,* 326 F3d 1309 (DC Cir 2003) (contrasting sufficient and insufficient demonstrations of ability to disseminate information to public).

[5] Your petition also challenges SAIF's decision not to evaluate your request for a fee waiver in connection with "Categories B-M" of your records request. In response to each request contained in these categories, however, SAIF either (i) supplied records, (ii) indicated no records exist, or (iii) cited exemptions. Thus, SAIF completed its response to these requests without charging a fee, and there was no need to evaluate your waiver request. *See* ORS 192.329(2) (describing when a public body's response is complete).

[6] These include: Category B – Notice of Closure Procedures; Category C – Pre-closure practices; Category D – Insurer Authored Synopsis Letters; Category E – Telephone Conferences with Treating Physicians; Category F – Adjuster Autonomy, Escalation, and Settlement Authority; Category G1 – Internal Quality Assurance; Category G3 – Analyses Conducted After Administrative Challenges; H1 – Investor Training Practices; I1 – Claim-File Production Format; L2 – Internal Communications, Training, and Guidance Responding to Administrative Reversals.

ORS 192.345(34) provides a SAIF-specific exemption that offers broader protection than ORS 192.345(2), the conditional exemption for trade secrets. Although trade-secret principles may also apply to portions of SAIF's Claims-Processing Records, ORS 192.345(34) does not require SAIF to demonstrate that the material meets the narrower and more technical definition of a trade secret. Instead, the Legislature has determined that SAIF's sensitive business records containing information not customarily shared with competitors are categorically protected unless the public interest requires disclosure.

The Claims-Processing Records describe SAIF's internal processes, strategies, and operational approaches to managing workers' compensation claims.[7] As SAIF explains, insurers do not customarily provide these materials to other insurance companies, and disclosure of such information would reveal operational practices that competitors could use to their advantage. After considering the arguments of the parties, we conclude that the Claims-Processing Records fall within the type of business information SAIF would not ordinarily disclose to competing insurers. Therefore, they fall within the scope of the exemption, and SAIF is permitted to withhold the records, unless the public interest requires disclosure in this instance. ORS 192.345(34).[8]

In evaluating whether the public interest requires disclosure, we must determine whether the public interest in disclosure outweighs the competing interests in confidentiality, with the presumption favoring disclosure when the parties' interests are of equal value. *See ACLU v. City of Eugene*, 360 Or 269, 280 (2016). The Oregon Court of Appeals has described the public interest in disclosure as the right of the public at large to monitor how public business is conducted and how public officials are performing their jobs. *See Guard Publishing Co. v. Lane County School Dist.*, 96 Or App 463, 469 (1989); and *Jensen v. Schiffman*, 24 Or App 11, 17 (1976).

You assert that disclosure is warranted due to an ongoing review by the WCD and DFR of claims brought by you against SAIF. You indicate that "the records are needed to inform that review." You also explain that the WCD rescinded SAIF's closure of your workers' compensation claim due to an insufficient record. Therefore, you argue that records pertaining to SAIF's business procedures would bear directly on conduct found to be improper. Although such proceedings may be significant to you, they do not demonstrate a broader public interest in these matters. And, as we have long observed, the "availability of ordinary tools of discovery would generally negate any need for an individual to use the Public Records Law to gain access to records for purposes of pursuing private litigation." *Manual* at 43.

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[7] Pursuant to ORS 192.422(2), we obtained and reviewed a representative subset of the records withheld by SAIF. These records included SAIF's comprehensive claims management guide and various training materials, which included a presentation prepared by SAIF attorneys.

[8] SAIF contends that a subset of the Claims Processing Records are additionally exempted under ORS 192.345(2) (trade secrets) and the attorney-client privilege. Because we find that the entirety of the Claims Processing Records are exempt under ORS 192.345(34), we do not reach these arguments.

You also contend that SAIF's status as the State's workers' compensation insurer creates a compelling public interest in disclosure of its records. We find this argument unpersuasive. ORS 192.345(34) protects SAIF's sensitive business records from disclosure, placing SAIF on equal footing with private insurers regarding information not customarily shared with competitors. Accepting your argument would effectively nullify the entire exemption. For these reasons, we conclude that the confidentiality interest protected by ORS 192.345(34) outweighs the public interest in disclosure in this instance, and we decline to order production of the Claim Processing Records.

Finally, we address certain requests made by you for aggregated statistical data.[9] SAIF states that it does not have preexisting aggregated electronic data responsive to these requests and that responding to these requests would require it to create a new record based on a manual review of claim files. Because the Public Records Law does not require SAIF to create such a record, we respectfully deny this portion of your petition.[10]

Sincerely,

BENJAMIN GUTMAN
Deputy Attorney General

DEP/pjn
c via email only: Jill Gragg, SAIF

[9] The requests at issue include G2(d), L3(d), and L6(a)-(b).
[10] *See Manual* at 6 (2024) ("The Public Records Law does not require public bodies to create new public records. Nor does it require public bodies to disclose the reasoning behind their actions; answer questions about their records; analyze their records; or perform legal research in order to identify records that are responsive to a request.")