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

August 4, 2026

**VIA E-MAIL ONLY:** rsw@rswfire.com

Robert White
rsw@rswfire.com

Re: Petition for Public Records Disclosure Order
*Oregon Department of Administrative Services*
DOJ File No.: 107062-GA0144-26

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 seeks assistance from the Attorney General in obtaining records you requested from the Oregon Department of Administrative Services. For the reasons that follow, we respectfully deny your petition.

Your petition stems from a records request made to DAS for communications concerning you. DAS responded by stating it was not the custodian of records. You sought further clarification from DAS, and DAS reiterated that it did not have any records responsive to your request. Under the circumstances, we have no reason to second-guess DAS's representation that the records you seek are not in DAS's custody.

Your petition contends that because DAS told you that it is "not the custodian" of records, it must provide further explanation about who the custodian might be or whether it is holding records as the agency of another entity. The Public Records Law does not require DAS to make any further response. If a public body does not have responsive records, its response is complete when it notifies the requester "that the public is not the custodian of records that have been requested." ORS 192.329(2)(d).

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Your petition also requests that the Attorney General order DAS to describe its search and address a preservation notice submitted by you. The Public Records Law does not obligate DAS to address these issues or authorize the Attorney General to order such a response.[1] For these reasons, we respectfully deny your petition.

Sincerely,

BENJAMIN GUTMAN
Deputy Attorney General

DEP:pjn
c via e-mail only: Chris Liedle (Oregon Department of Administrative Services)

[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).