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August 31, 2026

VIA E-MAIL ONLY: danhaganlycos@gmail.com

Dan Hagan
danhaganlycos@gmail.com

Re: Petition for Public Records Disclosure Order
Department of Human Services
DOJ File No.: 100001-GA0162-26

Dear Mr. Hagan:

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 a response to a request made to the Oregon Department of Human Services (ODHS). For the reasons discussed below, we respectfully grant your petition in part and deny it in part.

Your petition stems from three submissions made by you to the ODHS records portal. Two of those submissions demanded that ODHS preserve certain video footage but did not request any records.[1] The Public Records Law requires a public body to permit inspection and copying of records ORS 192.324(1). But it does not obligate a public body to acknowledge or respond to a preservation demand. Because these two submissions did not request records, we respectfully deny this portion of your petition.

Your third submission was a proper public records request. On June 23, 2026, you requested surveillance footage of an incident that occurred at an ODHS branch office. On August 27, 2026, ODHS acknowledged your request and indicated that due to an administrative oversight the request was not properly processed. ODHS stated that it "is continuing to review the request to determine whether the requested records are maintained by or otherwise in the custody of ODHS."

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[1] Submissions 2R6WP7X and Q3WLXWV demanded that ODHS "preserve and maintain all potentially relevant evidence" pertaining to a certain incident.

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).

From the available record, it appears ODHS failed to respond to your request within statutorily prescribed timeframes, and we are required to treat this failure as a denial of your request. ORS 192.407(1)(a). When an agency fails to comply with ORS 192.329, we have discretion to order disclosure of nonexempt material. ORS 192.407(3). We therefore grant your petition, and we order ODHS to complete its response and disclose any nonexempt records in its custody by September 18, 2026. 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)