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September 15, 2026

VIA E-MAIL ONLY: foia@dfa.com

Jenn Pellegrino
Defend Forgotten America
foia@dfa.com

Re: Petition for Public Records Disclosure Order
Oregon Health Authority
DOJ File No.: 443001-GA0175-26

Dear Ms. Pellegrino:

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 challenges the adequacy and timeliness of a response to a public records request submitted to the Oregon Health Authority (OHA). You request a $200 penalty and an order requiring immediate production.

On April 13, 2026, you submitted a request to OHA for certain Medicaid payment information. OHA responded by referring you to the publicly available Oregon hospital payment reports maintained by OHA's Office of Health Analytics. On April 20, 2026, you submitted a follow up request seeking more granular data. OHA responded to this request indicating by stating "[w]e do not have a record responsive to this request; and Oregon public agencies are not required to create records." Your petition followed.

Your petition contends that OHA has the detailed information you seek and that producing it will not require creation of a new record. Your petition also explains that OHA took more than four months to provide its response, which you did not receive until September 7, 2026. After receiving OHA's September 7 response, you sent a "renewed request" identifying five categories of records you believe OHA should have in its possession. OHA responded to the renewed request by agreeing to conduct a further review to identify responsive records.

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We contacted Jeanne Windham, OHA's Public Records and Internal Litigation Process Coordinator, regarding your petition. She acknowledged that OHA failed to respond to your April 20, 2026, request within fifteen business days. She attributed OHA's failure to meet the statutory timelines to resource limitations created by the agency's current public records workload. Ms. Windham explained that OHA's monthly volume of requests has doubled compared to the prior year and that she is currently the only employee responsible for processing all OHA public records requests. She indicated that the unanticipated request volume has significantly affected OHA's ability to meet statutory response timelines.

Ms. Windham also explained that she initially routed your request to the Office of Health Analytics, which did not have responsive reports. After receiving your renewed request, OHA determined that the Finance Division is likely to maintain some information you seek, and OHA is currently developing a fee estimate for its anticipated costs.

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). 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).

Under ORS 192.407(1)(a), we are required to treat OHA's failure to provide a timely response as a denial for purposes of this petition. Although OHA did not comply with the statutory timeline, we conclude that a fine is not warranted in light of the unusual strain on OHA's records processing capacity and its subsequent efforts to process your revised request. Because OHA has now committed to providing a cost estimate for the records you seek, your challenge to the adequacy of OHA's earlier "no records" response is moot. For these reasons, we decline to impose a penalty, and we dismiss the petition as moot with respect to OHA's response to the previous request. You are, of course, free to file a new petition after OHA completes its response to your renewed request.

Sincerely,



BENJAMIN GUTMAN
Deputy Attorney General

DEP:pjn
c via e-mail only: Jeanne Windham (OHA)