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DEPARTMENT OF JUSTICE

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1162 Court Street NE
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October 8, 2026

Phillip Nelson
SID #23775606
Eastern Oregon Correctional Institution
2500 Westgate
Pendleton, OR 97801

Re: Petition for Public Records Disclosure Order
Oregon Department of Corrections
DOJ File No.: 291200 -GA0190-26

Dear Mr. Nelson:

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 the Oregon Department of Corrections' (ODOC) response to your records request. For the reasons discussed below, we respectfully deny your petition.

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). The law is a disclosure law and exemptions from disclosure must be express. Any person denied the right to inspect or to receive a copy of a public record of a state agency may petition the Attorney General to review the record and determine if it may be withheld. ORS 192.411(1). The agency carries the burden to sustain its actions. ORS 192.411(1).

Your petition asks the Attorney General to review a request contained in an August 4, 2026, grievance that you submitted to ODOC. In response to your petition, we contacted Toby Tooley, ODOC's Public Records Manager. He explained that your grievance was not a proper public records request because you did not submit it in accordance with ODOC's published procedures. *See* ORS 192.324(7) (requiring agencies to provide written procedures describing to whom public records requests may be sent); and OAR 291-037-0015 (specifying that requests for ODOC records must be addressed to the functional unit manager of the department where the records are located).

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Because your request was not addressed to, or received by, an individual designated by ODOC's procedures to receive public records request, we find that ODOC's obligation to comply with ORS 192.329 was not triggered in this instance. *See* ORS 192.329(1); OAR 291-037-0015. For this reason, we respectfully deny your petition.

Sincerely,

BENJAMIN GUTMAN
Deputy Attorney General

DEP/pjn
c via email only: Toby Tooley, Oregon Department of Corrections