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November 9, 2026

VIA E-MAIL ONLY: timberlineprincess@gmail.com

Jaimee Nickles
timberlineprincess@gmail.com

Re: Petition for Public Records Disclosure Order
Department of Human Services
DOJ File No.: 100101-GA0221-26

Dear Ms. Nickles:

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 several aspects of the Oregon Department of Human Services' (ODHS) response to your public records request. For the reasons set forth below, your petition is denied.

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).

You made a records request to ODHS on January 4, 2026. ODHS produced a portion of the requested records on November 2, 2026. Your petition challenges the information that ODHS redacted in that response. We contacted Mallory Kenney, ODHS Public Records Unit Manager, regarding these records.

Ms. Kenney stated that redacted information you seek was contained within records compiled under Oregon's Child Abuse Reporting Statutes, ORS 419B.010 to 419B.050, which

are made confidential under ORS 419B.035(1).[1] She further noted that ODHS has discretion under ORS 419B.035(3) to release child abuse records when necessary to promote certain specified purposes,[2] and ODHS has elected to exercise its discretion and release portions of the records to you. ODHS has not, however, elected to release certain child welfare information or criminal history information obtained from the Law Enforcement Data System because of the confidential nature of those records. In addition, the criminal history information is "confidential and exempt from public inspection" under ORS 181A.220(1) and, as a result, is exempt from disclosure under the Public Records Law. ORS 192.355(9)(a). Under these circumstances, we have reviewed the records and have no reason to second-guess ODHS's determination, which the legislature has entrusted to the agency's discretion. We therefore conclude that ODHS was permitted to redact the information on these bases.

In addition, Ms. Kenney also stated that certain other redactions were made pursuant to personal health information pursuant to ORS 192.355(2)(a) and ORS 432.350. ORS 192.355(2)(a), exempts "information of a personal nature such as but not limited to that kept in a personal, medical or similar file, if public disclosure would constitute an unreasonable invasion of privacy * * * ." Ordinarily, personal health information is regarded as highly private.[3] IN addition, "[v]ital records and reports, and documents, data and information related to vital records and reports, are exempt from public disclosure" under ORS 432.350. We have reviewed the records and agree with ODHS's application of ORS 192.355(2)(a) and ORS 432.350. We therefore respectfully deny this portion of your petition.

Your petition also challenges the timeliness of ODHS's response to your public records request. 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).

After contacting Ms. Kenney, she explained that the extensions on your request were necessary due to limited agency resources. She said that the ODHS Public Records Unit works on records requests in order of receipt. Ms. Kenney stated that the total number of active requests in the queue is 4,251 with a backlog of 3,763.

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[1] ORS 419B.035(1) states, in relevant part, that notwithstanding the provisions of the Oregon Public Records Law, "reports and records compiled under the provisions of ORS 419B.010 to 419B.050 are confidential and may not be disclosed except as provided in this section * * * ."

[2] ORS 419B.035(3) permits ODHS to make records compiled under Oregon's Child Abuse Reporting Statutes available to any person "when the department determines that such disclosure is necessary to administer its child welfare services and is in the best interests of the affected child, or that such disclosure is necessary to investigate, prevent or treat child abuse and neglect, [and] to protect children from abuse * * * ."

[3] *See Attorney General's Public Records and Meetings Manual* at 81 (2024).

Given the number of requests ODHS is concurrently processing, we do not find it unreasonable that ODHS extended its response beyond fifteen business days, but your requests have now been pending for approximately eleven months. Ms. Kenney stated that ODHS is processing this request and will be producing the remainder of the responsive records to you by November 13, 2026. Ms. Kenney stated that ODHS would not be charging you a fee for production of records responsive to your records request. Because ODHS is producing the records you seek, we dismiss this portion of your petition as moot.

Sincerely,

BENJAMIN GUTMAN
Deputy Attorney General

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c via e-mail only: Mallory Kenney (DHS)