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June 22, 1989

Phyllis G. Thompson
President, P.G. International
P.O. Box 3099
Annapolis, Maryland 21403

Re: **Petition for Public Records Disclosure Order; Department of Environmental Quality Records**

Dear Ms. Thompson:

This letter is the Attorney General's order on your petition for disclosure of records under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on June 15, 1989, asks the Attorney General to direct the Department of Environmental Quality (DEQ) to disclose all non-exempt data relating to underground storage tanks contained in DEQ's computer data base. We understand that over the telephone, DEQ offered to provide you with copies of computer reports routinely generated by the department. These reports include:

(1) Addresses, phone numbers, facility identification numbers and the number of underground storage tanks based on tank location,

(2) Addresses, phone numbers, facility identification numbers and the number of underground storage tanks based on tank ownership, and

(3) The number, age, contents and building materials of underground storage tanks based on their geographical or specific location.

However, DEQ denied your request for all non-exempt data on underground storage tanks. For the reasons stated below, we respectfully deny your request that we order release of the requested information.

The Public Records law confers a right to inspect any public record of a public body in Oregon, subject to certain exceptions. In general, data stored and readily available through DEQ's computer system are public records subject to inspection upon request. However, the computer records that you request do not exist at DEQ, and the Public Records Law does not impose a duty to create these records. 44 Op Atty Gen 239, 277 (1984) (Attorney General's Public Records and Meetings Manual.)

Information on underground storage tanks is stored in "pieces" in the DEQ computer data base. In order to develop the requested information, DEQ would need to collate and cross reference these "pieces." This would require a new computer program and up to 20 hours of programming time. In essence, DEQ would have to create the record that you are requesting. Because the Public Records Law does not impose a duty on DEQ to create such a record, the agency is not compelled to develop the information that you request. See Letter of Advice dated June 1, 1987, to Jim Kenney, Supervisor, Urban Renewal Section, Department of Revenue (OP-6126) at 4-5 (Public Records Law does not require an agency to select small portions of computerized public records and configure them in potentially meaningful fashion).

For these reasons, we respectfully deny your petition.

Sincerely,

PAMELA L. ABERNETHY
Special Counsel to the
Attorney General

PLA:MBH:aa:aml/0397H

cc: Fred Hansen, DEQ
Richard Reiter, DEQ