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DEPARTMENT OF JUSTICE
Justice Building
Salem, Oregon 97310
Telephone: (503) 378-4400

May 28, 1992

Mikal Gilmore
2173 N.W. Irving #8
Portland, OR 97210

Re: Petition for Public Records Disclosure Order: MacLaren Records
DOJ File No. 412-300-0093

Dear Mr. Gilmore:

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 May 15, 1992,[1] asks the Attorney General to direct MacLaren School for Boys to provide a copy of the entire file pertaining to Gary Mark Gilmore,[2] who was at MacLaren from 5/26/55 to 4/24/57. For the reasons that follow, we respectfully deny your petition.

The Public Records Law confers a right to inspect any public records of a public body in Oregon, subject to certain exemptions and limitations. See ORS 192.420. Generally, records more than 25 years old are available for inspection. ORS 192.495. The only exceptions are contained in ORS 192.496.

ORS 192.496(3) provides that student records required by state or federal law to be exempt from disclosure remain exempt from disclosure even though such records are more than 25 years old.

Approximately ten pages of the MacLaren records on Gary Gilmore are student records. ORS 336.195 provides that all student records maintained by a

school shall be confidential, and available for inspection only by the student or a parent or legal guardian. Student progress records may also be available to teaching staff. ORS 336.195(4). You are not within the class of persons authorized to inspect Gary Gilmore's student records. Because these records are exempt from disclosure under ORS 336.195, they are also exempt under the Public Records Law. ORS 192.496(3). Therefore, we deny your petition, with respect to these student records.

Mr. Richard Hill, Superintendent of MacLaren School for Boys, has informed us that he is making the remainder of Gary Gilmore records available to you, with the identities of any victims and juveniles deleted. With respect to these records, we deny your petition as moot.

Sincerely,

Pamela L. Abernethy
Special Counsel
to the Attorney General

c: Richard Hill, Superintendent, MacLaren School for Boys

PLA:AV:PR:jpl:jaa00794

1. We appreciate your extending the time within which the law would have otherwise obligated us to respond.

2. In your discussions with Assistant Attorney General Linda Grimms, you clarified that you are not seeking the identities of victims and juveniles that may be contained in the files.