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July 7, 1989

RECEIVED
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ATTORNEY GENERAL
SALEM, OREGON

P. Scott McCleery
Attorney at Law
200 Northbank Offices
44 Club Road
Eugene, OR 97401

Re: **Request for Public Records Disclosure Order; Oregon State University Records**

Dear Mr. McCleery:

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. The petition, which we received on June 28, 1989,[1] asks the Attorney General to order Oregon State University officials to disclose records prepared under the direction of Dr. Alexis Walker, an instructor in the College of Home Economics at Oregon State University. The petition requests disclosure of "all of [Dr. Walker's] records generated from interviews with Romella Hubbard and her mother, Ida Hubbard, during their involvement in the Parent Caring Project." For the reasons that follow we deny your petition.

The Parent Caring Project is a research project funded through a grant by the National Institute on Aging. The project examines the relationship between adult daughters and their mothers to whom the daughters have provided care. Over 200 pairs of mothers and daughters participated in the project, which consisted primarily of a series of interviews over a two-year period.

The Public Records Law confers a right to inspect public records of a public body in Oregon, subject to certain exceptions. ORS 192.420. We conclude that the requested records are exempt from disclosure under ORS 192.501(15), which exempts:

> "Writings prepared by or under the direction of faculty of public educational institutions, in connection with research, until publicly released, copyrighted or patented."

This exemption is designed primarily to protect public educational institutions from "piracy," through the public records request process, of research ideas and data collected by faculty members. Letter of Advice dated March 29, 1988, to W.T. Lemman, Executive Vice Chancellor (OP-6217) at 3.

The interview responses and data plainly are "writings," prepared under the direction of a faculty member of a public educational institution. They were prepared in connection with a research project. Although some preliminary results of the research project have been released, OSU officials have informed us that continuing publications based on the data are planned, and that the research project is scheduled to continue through May 1991. Accordingly, we conclude that the research has not yet been publicly released, copyrighted or patented so as to terminate the exemption. The requested records, therefore, are exempt from disclosure under ORS 192.501(15).[2]

Very truly yours,

James E. Mountain Jr

JAMES E. MOUNTAIN, JR.
Deputy Attorney General

JEM:JGM:aml/7513G

cc: Caroline Kerl
Legal Advisor
Office of the President
Oregon State University
Corvallis, OR 97331

[1] We appreciate your courtesy in allowing us to exceed the deadline for issuing public records orders.

[2] The records generated from interviews with Ida Hubbard, your client's mother, also probably are exempt from disclosure under ORS 192.502(3), based upon the assurances of confidentiality provided to the participants at the time of the interviews. Because we conclude that the records are otherwise exempt from disclosure, however, we need not address this question.