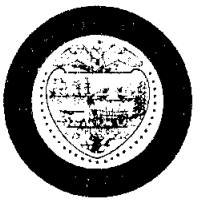
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June 2, 1992

Edward L. Leach
14640 S.W. Forrest Place
Beaverton, OR 97005

Re: Petition for Public Records Disclosure Order; Motor Vehicles Division Records

Dear Mr. Leach:

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 27, asks the Attorney General to direct the Motor Vehicles Division (MVD) to make available for inspection and copying a "paper sent in by Veteran's Hospital concerning my driving". For the reasons that follow, we respectfully deny your petition.

In the course of its administration of the motor vehicle laws, MVD may be called upon to determine whether "a person may be ineligible for a license because the person has a history of any physical or mental disease or disability that may impair the person's ability to safely operate a motor vehicle . . ." ORS 807.090(1); see also ORS 807.070(4). To help the MVD fulfill its duties in this regard, ORS 807.710 requires that all persons authorized by the State of Oregon to diagnose and treat nervous system disorders must immediately report to the Health Division every person, over the age of 14, diagnosed as having "a disorder characterized by momentary or prolonged lapses of consciousness or control that is, or may become, chronic." That statute goes on to require that a copy of each such report shall be forwarded to the MVD and specifically provides that the reports are to be confidential. ORS 807.710(3).

"[P]ublic record or information the disclosure of which is prohibited or restricted or otherwise made confidential or privileged under Oregon Law" are exempt from disclosure under the Oregon Public Records Law, ORS 192.502(8). In this case, the record requested is confidential under Oregon Law (ORS 807.710) and is, thus, exempt from disclosure under ORS 192.502(8).

For these reasons, we conclude that the information you seek is exempt from disclosure under ORS 192.502(8). Accordingly, we respectfully deny your petition.

Sincerely,

Amy Veranth
Opinions Coordinator

PLA:bjs/JGG03587
c: Anthony P. DeLorenzo
Assistant Administrator
Driver Safety Section
Motor Vehicles Division
1905 Lana Avenue NE
Salem, OR 97314