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SALEM, OREGON

November 6, 1992

John D. Ostrander
Attorney at Law
Tooze Shenker Holloway & Duden
333 SW Taylor Street
Portland, Oregon 97204-2496

Re: Petition for Public Records Disclosure Order: Department of Insurance and Finance

Dear Mr. Ostrander:

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 November 2, 1992, asks the Attorney General to direct the Department of Insurance and Finance (DIF) to produce copies of Complaint/Inquiry File No. 48821 JW. 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. ORS 192.402(8) exempts from disclosure:

> Public records or information the disclosure of which is prohibited or restricted or otherwise made confidential or privileged under Oregon law.

This exemption incorporates into the Public Records Law the provisions of other statutes that prohibit disclosure of records or make such records confidential.

ORS 731.264(1) prohibits the disclosure of any complaints made to the DIF director against any person regulated by the Insurance Code, except as considered necessary by the director in the administration of the Insurance Code. Any data gathered pursuant to an investigation by the director of such complaints is also exempt. ORS 731.264(2). The complaint/inquiry file you have requested contains only a complaint and the information gathered pursuant to DIF's investigation of that complaint.

The disclosure of such information to you for a private lawsuit is not part of the director's administration of the Insurance Code. Accordingly, we find that the information in the complaint/inquiry file may not be disclosed to you. ORS 731.264.

Because disclosure of the complaint/inquiry file is prohibited by ORS 731.264, those records are exempt from disclosure under the Oregon Public Records Law. ORS 192.502(8). Therefore, we respectfully deny your petition to compel disclosure.

Sincerely,



Amy Veranth
Opinions Coordinator
General Counsel Division

ALV:alv/JGG04E4F
c: Bill Brooks, Manager, Consumer Services & Enforcement, DIF
Jan White, CPIW, Compliance Officer, Insurance Division, DIF