THEODORE R. KULONGOSKI

DEPARTMENT OF JUSTICE
1162 Court Street NE
Justice Building
Salem, Oregon 97310
Telephone: (503) 378-4400
TDD: (503) 378-5938

December 7, 1994

Dorothy Helen Mead
16705 SE McLoughlin #10
Milwaukie, OR 97267

Re: Petition for Public Records Disclosure Order: Oregon Department of Education Records

Dear Ms. Mead:

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 December 1, 1994, asks the Attorney General to direct Al Shannon, Director of Pupil Transportation and School Business Systems of the Oregon Department of Education (department), to make available copies of records of the Oregon State Police related to your criminal history as well as copies of court documents that you state Mr. Shannon will receive prior to a hearing concerning you that is scheduled before the department.

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 192.502(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[.]

The state police records you have requested contain "criminal offender information" compiled by the state police. This information is made confidential and exempt from public disclosure under ORS 181.540(1). The state police provided this information to the department only for limited purposes, and the department is

prohibited from releasing the information under ORS 181.540(1) and under state police rules at OAR 254-10-025(8). Because these records are confidential under ORS 191.540(1), they are exempt from disclosure under the Public Records Law, ORS 192.502(8). Accordingly, as to these records, we deny your petition.[1]

Mr. Shannon also confirms that he has requested copies of court records concerning you from the district court in Oregon City. He will provide you with copies of these records when he receives them. Absent a denial by a state agency of a public records request, the Attorney General does not have jurisdiction to order disclosure. *See* ORS 192.450. Accordingly, as to these records, we also deny your petition to compel disclosure.

Sincerely,

ELIZABETH S. HARCHENKO
Special Counsel to the
Attorney General

ESH:JGM:AV:tmt/JGG0AC94
c: Al Shannon, ODE
Greg McMurdo, ODE

[1]For your information, there is a procedure for you to obtain access to these records by applying directly to the Oregon State Police as provided under ORS 181.552 to 181.560. You may contact the state police for this purpose if you have not already done so.