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Telephone: (503) 378-4400

July 24, 1990

Jenny Ann Westberg
3933 S.E. Francis, Apt. 3
Portland, OR 97202

Re: Petition for Public Records Disclosure Order: State Medical Examiner Records

Dear Ms. Westberg:

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 July 17, 1990, asks the Attorney General to direct the State Medical Examiner's office to make available for inspection and copying all autopsy reports for deaths occurring from January 1988 to the present.[1] 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. The records you wish to inspect fall within an exemption to the general rule of public accessibility to government records.

ORS 146.035 severely curtails the public's right to examine records of the State Medical Examiner. ORS 146.035(5) provides:

> "(5) Any parent, spouse, child or personal representative of the deceased, or any person who may be criminally or civilly liable for the death, or their authorized representatives respectively, may examine and obtain copies of any medical examiner's report, autopsy report or laboratory test report ordered by a medical examiner under ORS 146.117." (Emphasis added.)

We have previously interpreted this law to restrict public access to autopsy reports. That restriction is incorporated into the Public Records Law's exemptions from disclosure under ORS 192.502(8). Public Records Order, Goffredi (July 22, 1988); Public Records Order, Woodall (January 13, 1988); Public Records Order, Larson (May 10, 1988). Autopsy reports may not be disclosed to anyone who is outside the persons set forth in ORS 146.035(5), quoted above. Because you are not within the class of persons authorized to receive this information, the State Medical Examiner correctly denied you disclosure.

For these reasons, we respectfully deny your petition to compel disclosure.

Sincerely,

PAMELA L. ABERNETHY
Special Counsel to the
Attorney General

PLA:RK:aml/6382G

c: Dr. Larry Lewman, State Medical Examiner
Rm. 211, State Office Bldg., Portland, OR 97201

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[1] In your original petition, you also asked the Attorney General to order the State Medical Examiner's office to disclose all related files, records and documents, including any lists and indices which categorize these files or documents by case number, file number or assigned identification, or which categorize said documents by date, place or other specifics. On July 20, 1990, in a telephone conversation with Rhea Kessler, Assistant Attorney General, you agreed to amend your petition by limiting it to a request for the autopsy reports only.