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Justice Building
Salem, Oregon 97310
Telephone: (503) 378-4400

July 9, 1991

Ione Tudor Robins
Rt. 1 #18
Powell Butte, OR 97753

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

Dear Ms. Robins:

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 3, asks the Attorney General to direct the Motor Vehicles Division (MVD) to disclose the name of the person who reported that you are "not qualified to hold a driver's license." For the reasons that follow, we respectfully deny your petition.

Pursuant to ORS 807.070(4) and 807.340(1)(b), the MVD may retest a licensed driver when it has reason to believe that the person no longer is able to operate a motor vehicle safely. Retesting may be triggered by letters from family, friends, neighbors or other concerned citizens.

Under ORS 192.502(3), MVD may in certain circumstances keep such reports confidential. That statute exempts from disclosure:

> Information submitted to a public body in confidence and not otherwise required by law to be submitted, where such information should reasonably be considered confidential, the public body has obliged itself in good faith not to disclose the information, and when the public interest would suffer by the disclosure[.]

We conclude that all five elements of this exemption are satisfied here. First, the individual who submitted the report

did so in confidence, expressly requesting confidentiality by checking the appropriate box on the MVD form used. Second, that person submitted the report voluntarily. Third, because of the potential for harassment from drivers who are the subjects of such reports, the information reasonably should be considered confidential. Fourth, MVD obligated itself in good faith not to disclose the person's identity so long as the law permits that person's identity to remain hidden. Finally, we believe that the public interest would suffer by disclosure. Disclosure would discourage concerned citizens from submitting good faith reports of apparently unsafe drivers, thus impairing the public's safety.[1]

For these reasons, we conclude that the identity of the person who submitted the report about you to MVD is exempt from disclosure under ORS 192.502(3). Accordingly, we respectfully deny your petition.

Sincerely,

PAMELA L. ABERNETHY
Special Counsel to the
Attorney General

PLA:DKH/1828Y
c: Robin E. Bower, Supervisor
Driver Control Unit
Motor Vehicles Division
1905 Lana Avenue NE
Salem, OR 97314

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[1] We previously have denied petitions for disclosure in similar circumstances. See, e.g., Public Records Order, May 13, 1988 (Haim); Public Records Order, April 28, 1988 (Jones).