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

October 27, 1989

Robert F. Simpson
1642 N.W. Troost
Roseburg, OR 97470

Re: **Petition for Public Records Disclosure Order; Oregon State Health Division Records**

Dear Mr. Simpson:

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. In your petition, which we received on October 20, 1989, you ask the Attorney General to order the Oregon State Health Division (health division) to release to you "the document that the Motor Vehicles Division used to order suspension and surrender of my drivers license to the local DMV Office." The health division does not have that document. Moreover, although the Motor Vehicles Division (MVD) does have the record you seek, that record is exempt from disclosure. Accordingly, we respectfully deny your petition.

Pursuant to ORS 807.710(1), the health division receives information from "persons authorized by the State of Oregon to diagnose and treat disorders of the nervous system" reporting persons "diagnosed as having a disorder characterized by momentary or prolonged lapses of consciousness or control that is, or may become, chronic." The health division must submit this information monthly to MVD. ORS 807.710(3). The report that you request falls within these provisions, and by statute is confidential. Id. That exemption is incorporated into the Public Records Law by ORS 192.502(8).

Because the health division forwarded its only copy of the report in question to MVD, that agency could not disclose the report. In any event, the report, now in MVD's custody, is exempt from disclosure. Accordingly, we respectfully deny your petition.

Sincerely,

PAMELA L. ABERNETHY
Special Counsel to the
Attorney General

PLA:LRY:RDW:cr/3463F
cc: Larry Foster, Health Division
Robin E. Bower, Motor Vehicles Division