DAVE FROHNMAYER
ATTORNEY GENERAL
STATE OF OREGON

DEPARTMENT OF JUSTICE

100 State Office Building
Salem, Oregon 97310
Telephone: (503) 378-4400

July 19, 1982

John Baucom
P.O. Box 1368 (PSU #21)
Portland, Oregon 97310

Re: Public Records Inspection Request

Dear Mr. Baucom:

This constitutes the order of the Attorney General in response to your public records petition filed under ORS 192.4450. You have requested an order to the Corrections Division to permit you to inspect:

"(1) The complete file or files compiled by the Corrections Division in connection with my incarceration and parole.

(2) Any documents added to such file or files subsequent to my release from parole."

You were informed that you "could not inspect the records in question but would have to purchase copies at 50 cents per page."

ORS 192.450(1) provides that:

> ". . . any person denied the right to inspect or to receive a copy of any public record of a state agency may petition the Attorney General to review the public record to determine if it may be withheld from public inspection." (Emphasis supplied).

ORS 192.420 grants you a right to "inspect" non-exempt material in the files. ORS 192.420 provides, in part:

> "The custodian of the records may make reasonable rules and regulations necessary for the protection of the records and to prevent interference with the regular discharge of his duties."

ORS 192.440(2) provides, in part:

> "The public body may establish fees reasonably calculated to reimburse it for its actual cost in making such records available."

It is clear from ORS 192.440(1) (". . . reasonable opportunity to inspect or copy . . .") that the fees may apply to inspections as well as to copying.

The Corrections Division has provided by rule that the manner in which it makes records available for inspection is by making copies available at a cost of 50 cents per page. The alternative would be to take the time of a responsible person to segregate non exempt records from exempt records, to supervise the actual inspection, and to return the records to the files. The division has determined that the cost of so doing (for which it could charge) would be at least as great as the cost of furnishing copies, and that greater administrative inconvenience would result. We cannot say that this determination is unreasonable.

We conclude as a matter of law that the right to inspect is satisfied by the furnishing of copies of requested records. You may, if you wish to pay the additional cost, have the copies certified to guarantee their authenticity. It appears to us that the copying-inspection charge of 50 cents per page is reasonable.

In these circumstances, we conclude that your request to inspect has not in fact been denied. Your petition under the Public Records Law is therefore denied.

Sincerely,

John A. Reuling
Special Counsel to
the Attorney General

JAR/js

cc: Bob Watson
Stan Long
Scott McAlister