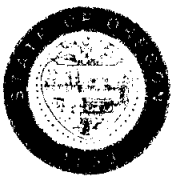
DAVE FROHNMAYER
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DEPARTMENT OF JUSTICE
Justice Building
Salem, Oregon 97310
Telephone: (503) 378-4400

March 15, 1990

E. Gloria Richardson
3618 S.W. 48th Place
Portland, OR 97221

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

Dear Ms. Richardson:

This 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 March 8, 1990, you ask the Attorney General to order the Motor Vehicles Division (MVD) to disclose the name of the physician who submitted a medical report relating to your medical condition. We respectfully deny your petition because the information you seek is exempt from disclosure.

The Public Records Law confers a right to inspect any public record of a public body in Oregon, subject to certain exceptions. ORS 192.420. Two provisions are relevant here. First ORS 192.502(8) exempts from disclosure "[p]ublic records or information the disclosure of which is prohibited or restricted or otherwise made confidential or privileged under Oregon law." This exemption incorporates confidentiality statutes outside the Public Records Law. Here, we focus on one such confidentiality provision, ORS 807.710.

ORS 807.710(1) requires any person authorized by the state to diagnose and treat nervous system disorders to report immediately to the Health Division every person over age 14 who is diagnosed as having "a disorder characterized by momentary or prolonged lapses of consciousness or control that is, or may become, chronic." Under ORS 807.710(3), the State Health Officer must forward these reports to MVD, and those reports "are confidential."

We conclude, therefore, that MVD may withhold disclosure of the information you seek. Accordingly, we deny your petition to compel disclosure.

Sincerely,

PAMELA L. ABERNETHY
Special Counsel to the
Attorney General

PAB:JGR:aml/4545G

cc: Robin E. Bower, Supervisor
Driver Control Unit
Motor Vehicles Division
1905 Lana Avenue, N.E.
Salem, OR 97314