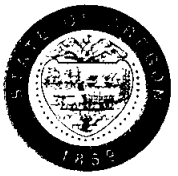
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GENERAL COUNSEL
DEPT. OF JUSTICE
SALEM, OREGON

December 14, 1998

William J. Birhanzl
11125 SE 202nd Avenue
Boring, OR 97009

Re: ***Public Records Disclosure Order: Oregon Department of Corrections Records***

Dear Mr. Birhanzl:

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 December 8, 1998, asks the Attorney General to direct the Oregon Department of Corrections (ODOC) to make available to you for inspection its administrative rules pertinent to the release of medical records maintained by ODOC.

For the reasons that follow, we respectfully deny your petition as moot.

The Public Records Law confers a right to access any public record of a public body in Oregon, subject to certain exemptions and limitations. *See* ORS 192.420. The law requires generally that the custodian of public records furnish proper and reasonable opportunities for inspection and/or copying of the record in the office of the custodian. ORS 192.430. 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. ORS 192.450(1).

ORS 192.430 authorizes state agencies to adopt reasonable rules necessary for protecting the records and preventing interference with the regular discharge of duties of the custodian. Moreover, the Public Records Law permits public bodies to establish and recover fees reasonably calculated to reimburse them for their actual cost in making public records available, including the time spent by agency staff in locating and reviewing the requested records in order to delete exempt material. *See* ORS 192.440(3); *see also* Public Records Order, April 7, 1989 (Martin).

We have spoken with Greg Atterbury, Operations Manager at Oregon Corrections Intake Center, regarding your petition. Mr. Atterbury informs us that he faxed to you last week a courtesy copy of the administrative rules you requested. Accordingly, we deny your petition as moot.

Sincerely,

David Schuman
Deputy Attorney General

AGS01176
c: Greg Atterbury, Assistant Manager
OCIC, 2206-B Kaen
Oregon City, OR 97045