HARDY MYERS
ATTORNEY GENERAL

DAVID SCHUMAN
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE
1162 Court Street NE
Justice Building
Salem, Oregon 97310-0506
Telephone: (503) 378-4400
TDD: (503) 378-5938

December 12, 1997

Stephen H. Caputo
556 34th Avenue NW
Salem, OR 97304

Re: *Petition for Public Records Disclosure Order: Department of Human Resources*

Dear Mr. Caputo:

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 5, 1997, asks the Attorney General to direct the Oregon Department of Human Resources to make available for inspection the job applications and other materials submitted by persons selected as finalists for appointment to the position of Application Support Manager. For the reasons that follow, we respectfully deny your Petition.

The Attorney General may order a state agency to disclose records only when the agency first has denied a request for access to such records. ORS 192.450(1) and 192.470. Your petition states that the Department has not responded to your request. Ward Kent, Manager of Information Systems Engineering at the DHR Office of Information Services, who is involved in processing your request, informs us that DHR has not refused you access to the requested records either orally or in writing. He further notes that the agency review process includes seeking legal advice from the Oregon Department of Justice regarding your request.

The Public Records Law allows a reasonable period of time for the custodian of records to review a public records request and to act upon it. *Morse Bros. Inc. v. O.D.E.D.*, 103 Or App 619 (1990). Moreover, it is reasonable for the records custodian to consult with legal counsel about disclosure of documents that appear to be exempt in whole or in part from the disclosure requirements of the Public Records Law. ATTORNEY

GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL 15 (1995). As of the date of your petition, a reasonable period of time had not expired nor had you received either a written or oral denial of your request for the records. For the reasons stated, we deny your petition as premature.

Sincerely,

DAVID SCHUMAN
Deputy Attorney General

JAA02830

cc: Ward Kent, Manager, DHR Office of Information Services
Gary Weeks, Director, Department of Human Resources
Jon Yunker, Director, Department of Administrative Services