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July 12, 1996

L.M. Baker
1821 NE 2nd Avenue
Portland, OR 97212

Re: ***Petition for Public Records Disclosure Order: Oregon Department of Education Records***

Dear Mr. Baker:

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 July 5, 1996, asked the Attorney General to direct the Oregon Department of Education (department) to make available the following: computer printouts and all other documents concerning an energy conservation program used in Oregon school districts; and records of a partnership between the department and any agencies conspiring in the energy savings program.

A public record is defined under ORS 192.410 to include any writing that is "prepared, owned, used or retained by a public body regardless of physical form or characteristics." Deputy Superintendent Greg McMurdo advises us that the department did not prepare, own, use or retain any records of the type described in your public records petition, except for the August 3, 1995, press release that you enclosed. Mr. McMurdo states that the department provided you a copy of the press release shortly after its release.

Mr. McMurdo further advises us that some records of this type may be in the possession of individual school districts or may be held by the North American Energy Services Company. You may want to contact these sources concerning your request. However, please be advised that North American Energy Services is not a public body and is therefore not subject to the requirements of the Oregon Public Records Law.

Because the Department of Education has no records of the type you request, except for the press release described above, which has already been made available to you, this office has no jurisdiction to compel disclosure. *See* ORS 192.450. Therefore, we respectfully deny your petition.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the
Attorney General

ESH:JGM:AV:ros/JGG0E1A9
c: C. Gregory McMurdo, Deputy Superintendent of Public Instruction, ODOE
Administrative Services, Constituent Letter #16068