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July 12, 1996

Harold D. Munsey
2032 NE 158th Avenue
Portland, Oregon 97230

Re: ***Petition for Public Records Disclosure Order: Driver and Motor Vehicle Services Branch Records***

Dear Mr. Munsey:

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 8, 1996, asks the Attorney General to direct the Driver and Motor Vehicle Services Branch (DMV) to make available for inspection and copying the "medical report that resulted in my drivers license being suspended and who the informant was." We respectfully deny your petition because the record and information you seek is confidential and exempt from disclosure under the law.

By statute, DMV is responsible for determining whether a person may be ineligible for a driver license because that person's ability to drive safely may be impaired because of a physical or mental disease or disability. ORS 807.090(1). To help DMV fulfill this duty, ORS 807.710 requires any person authorized by the state to diagnose and treat nervous system disorders to report immediately to the Health Division every person over the age of 14 who is diagnosed as having "a disorder characterized by momentary or prolonged lapses of consciousness or control that is, or may become, chronic." The statute also requires that these reports be given to DMV and that the reports are "confidential." ORS 807.710(3). The medical report and information you have requested were submitted to DMV pursuant to this statute.

Although generally the Public Records Law allows access to records maintained by the government, there are certain exceptions. ORS 192.420. The exception that applies here is ORS 192.502(8), which 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.

In this situation, the record you have requested is made "confidential" under Oregon law (ORS 807.710(3)) and is therefore exempt from disclosure.

For these reasons, we conclude that the information you seek is exempt from disclosure under ORS 192.502(8). Accordingly, we respectfully deny your petition.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the Attorney General

ESH:jpl/37204959.W51
SC:AV/JGG0E172
c: Judy Lamphear, Office Assistant, DMV Medical Records