THEODORE R. KULONGOSKI
ATTORNEY GENERAL

THOMAS A. BALMER
DEPUTY ATTORNEY GENERAL

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

August 21, 1996

Randal S. Davis, SID #7048912
Oregon State Penitentiary
2605 State Street
Salem, OR 97310-0505

RE: *Petition for Public Records Order: Oregon State Penitentiary*

Dear Mr. Davis:

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 August 14, 1996, asks the Attorney General to direct A. Chandler and Tamara Blair to make available for inspection or produce a copy of a transfer order causing you to be transported from the Santiam Correctional Institution to the Oregon State Penitentiary on April 9, 1996.

We respectfully deny your request as premature. The Public Records Law allows a reasonable period of time for the custodian of the requested record to review the request and act upon it. ***Morse Bros., Inc. v. ODED***, 103 Or App 619 (1990). You made your request to Mr. Chandler on July 15, 1996. Mr. Chandler, who serves in the Oregon Department of Corrections as the Assistant Director for Institutions, and who is not the custodian of the record you seek, forwarded your request to Tamara Blair, who received it on July 23, 1996. Your separate request to Tamara Blair was dated July 24, 1996. Ms. Blair has informed us that neither she nor Mr. Chandler has denied your records request.

Nor do we find an implied denial by virtue of the length of time since your request. An agency has a reasonable period of time to respond to a records request. OREGON ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL (1995) at 6-7. In this case, a reasonable period of time to process your request has not expired. *See* Public Records Order dated December 19, 1994 (Stotter) (Where request to agency for records was dated November 29, 1994, the petition for an Attorney General's order dated December 12, 1994, was denied as

premature because a reasonable time for agency review had not expired). Therefore, we deny your petition as premature.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the
Attorney General

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