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September 9, 1996

Mohammad Borujerdi
P.O. Box 1532
Corvallis, OR 97339

Re: ***Petition for Public Records Disclosure Order: Workers' Compensation Division Records***

Dear Mr. Borujerdi:

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 September 3, 1996, asks the Attorney General to direct the Workers' Compensation Division of the Department of Consumer and Business Services to make available for inspection and copying all records relating to workers' compensation claims filed by Dennis Phillips that reflect his place of employment. For the reasons that follow, we respectfully deny your petition.

The Public Records Law confers a right to inspect any public records of a public body in Oregon, subject to certain exemptions and limitations. *See* ORS 192.420. The records you wish to inspect fall within an exemption to the general rule of public accessibility to government records.

ORS 192.502(18) substantially curtails the public's right to examine workers' compensation claim records of the Department of Consumer and Business Services. ORS 192.502(18) exempts from disclosure

> Workers' compensation claim records except in accordance with rules adopted by the Director of the Department of Consumer and Business Services in any of the following circumstances:
>
> (a) When necessary for insurers, self-insured employers and third-party claim administrators to process workers' compensation claims.

(b) When necessary for the director, other governmental agencies of this state or the United States to carry out their duties, functions or powers.

(c) When the disclosure is made in such a manner that the disclosed information cannot be used to identify any worker who is the subject of a claim.

(d) When a worker or the worker's representative requests review of the worker's claim records.

Your request for disclosure of Mr. Phillips's claim records does not fall within any of the exceptions identified above to the exemption from disclosure contained in ORS 192.502(18). Thus, we conclude that ORS 192.502(18) exempts from disclosure the records you seek. Accordingly, we respectfully deny your petition to compel disclosure of those workers' compensation claim records.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the
Attorney General

ESH:DKC:ros/JGG0E72A
c: Tom Mattis, Deputy Administrator, DCBS, WCD