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December 13, 1996

Paul Stalbert - SID #5116728
Oregon Department of Corrections
2605 State St.
Salem, OR 97310

Re: ***Petition for Public Records Disclosure Order: Oregon Employment Department***

Dear Mr. Stalbert:

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, 1996, asks the Attorney General to direct the State of Oregon Employment Division[1/] to make available for inspection "employment record's [*sic*] of Tony Monfel's [*sic*] born 7-31-79 SSN - unknown." For the reason to follow, we respectfully deny your petition.

The Attorney General may order a state agency to disclose records only when the agency has denied a request for the records. ORS 192.450(1). The petition for disclosure that you submitted does not indicate that you requested these records from the Employment Department or that the Employment Department denied your request. Tom Byerley, Benefits Manager of the Oregon Employment Department, informs us that the Oregon Employment Department has not received a request for disclosure of these records from you. Therefore, the agency cannot have denied your request.

[1/] The Employment Division of the Oregon Department of Human Resources is now the Oregon Employment Department.

Because the Attorney General has no authority to order disclosure unless the agency has refused to disclose the records, your petition to the Attorney General is premature.

For this reason, we deny your petition as premature.

Sincerely,

THOMAS A. BALMER
Deputy Attorney General

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