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April 7, 1995

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GENERAL COUNSEL
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SALEM, OREGON

Allan Pittman
EUGENE WEEKLY
1251 Lincoln
Eugene, OR 97401

Re: ***Petition for Public Records Disclosure Order: Health Division Records***

Dear Mr. Pittman:

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 March 17, 1995,[1] asks the Attorney General to direct the State Registrar for the Health Divison to make available a disk copy of the State's death record database for Lane County for the past ten years. For the reaons that follow, we respectfully deny your petition.

ORS 432.120(3) and ORS 432.130 establish the means of appeals from decisions of custodians of vital records not to disclose information or permit inspection. These statutes provide tht such appeals shall be conducted under the judicial review provisions of the Administrative Procedure Act (ORS 183.480 to 183.484), not under the review producdures outlined in the Public Records Law.

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[1] We appreciate your extending the time within which the law would have otherwise obligated us to respond.

Accordingly, the Attorney General has no authority to review the denial of your request for the information in question. Your recourse for denial of the requested records is to file a petition in circuit court. ORS 183.484, 432.230(3), and 432.130.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the Attorney General

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