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RECEIVED
MAY 22 1995
GENERAL COUNSEL
DEPT. OF JUSTICE
SALEM, OREGON

May 22, 1995

Edward N. Vigil Sr. SID #2888742
Oregon State Penitentiary
2605 State Street
Salem, OR 97310

Re: **Petition for Public Records Disclosure Order-**
Oregon Department of Corrections Records

Dear Mr. Vigil:

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 was received by this office on May 16, 1995, asks the Attorney General to direct the Oregon State Penitentiary (OSP) Health Services Department to make available to you for inspection or copying the following records:

> All of the xrays (sic) of petitioner taken and maintained by penitentiary's medical department.

For the reasons that follow, we deny your petition as moot.

The Public Records Law confers a right to access any public record of a public body in Oregon, subject to certain exemptions and limitations. See ORS 192.420. The law requires generally that the custodian of public records furnish proper and reasonable opportunities for inspection and/or copying of the record in the office of the custodian. ORS 192.430. Any person denied the right to inspect or to receive a copy of any public record of a state agency may petition the Attorney General to review the public record to determine if it may be withheld from public inspection. ORS 192.450(1).

You state in your petition that you requested and were denied the opportunity to inspect and/or obtain copies of three spinal x-ray films pertaining to you taken and maintained by OSP health services medical staff. Specifically, your petition identifies a Dr. Degner, as having denied your request.

In speaking with Carol Stull, an administrative specialist employed with OSP Health Services, Capt. Mitch Morrow, OSP Assistant Superintendent for Security, and with you regarding your petition, we understand that you have now reviewed four spinal x-ray films maintained by OSP Health Services with Dr. John Vargo, that for reasons of institutional security and safety you will not be permitted to personally possess copies of the x-ray films while incarcerated at OSP, but that OSP officials have agreed to make copies of the four spinal x-ray films available to you for your review in the OSP law library upon request directed to the library coordinator. We understand further that should you desire to have copies of the x-ray films forwarded to your attorney, OSP officials will cause the same to occur, upon receipt of a properly executed release and payment for the costs of producing the copies and mailing costs. You have informed us that these arrangements are satisfactory to you.

Because OSP officials have made the requested x-ray films available to you for inspection, and have agreed to make copies available to you in the institution law library through the OSP library coordinator, and to your attorney in a manner that is authorized by law, we deny your petition as moot.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the
Attorney General

ESH:JVV:AV:cfs/JGG0BA1D
c: Captain Mitch Morrow, Assistant Superintendent
for Security, OSP

Carol Stull, Administrative Assistant
OSP Health Services

Trent Axen, Library Coordinator
OSP Law Library