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SALEM, OREGON

June 21, 1995

Maureen O'Hagan
WILLAMETTE WEEK
822 SW 10th
Portland, OR 97205

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

Dear Ms. O'Hagan:

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 June 15, 1995, asks the Attorney General to direct the Oregon Department of Corrections (ODOC) to make available the names, addresses and telephone numbers of any and all private organizations that have been in contact with ODOC since November regarding inmate work opportunities under Ballot Measure 17; information on the nature of the work these organizations have discussed with ODOC representatives; and any written formal or informal proposals for inmate work, whether in draft or final form, submitted by these organizations. For the following reasons, we respectfully deny your petition.

The Attorney General may order a state agency to disclose records only when the agency has first denied a request to inspect or produce such records. ORS 192.450(1). A public body does not deny a request merely because it fails to comply within a time frame considered reasonable by the requestor. Although an unreasonable delay in responding to a records inspection request may in some circumstances constitute a denial, there has been no denial in this case.

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. *See Morse Bros., Inc. v. ODED*, 103 Or App 619, 798 P2d 719 (1990). This includes times to consult with

legal counsel about disclosure of documents that appear to be exempt, in whole or in part, from disclosure. ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL 12 (1993). ODOC has submitted this matter to the Assistant Attorney General who serves as its general counsel. This legal review was interrupted by an illness which required the attorney to take medical leave. We anticipate that the response to ODOC's request for legal advice will be delivered within three weeks.

This delay cannot be attributed to ODOC and is not considered unreasonable. Therefore, your petition is denied at this time as premature.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel
to the Attorney General

ESH:JGR:AV/JGG0BCEF