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July 5, 1988

Alton W. Logan, III
91719 Poodle Creek Road
Noti, Oregon 97461

Re: Petition for Public Records Disclosure Order: MVD Records

Dear Mr. Logan:

This letter is the Attorney General's order on your petition for disclosure of records of the Motor Vehicles Division (MVD). In your June 28, 1988 petition, you ask the Attorney General to order the MVD to disclose " . . . unknown person or persons who sent a medical report on Alton W. Logan III [to the MVD]. * * * *" We respectfully deny your petition because the records you seek to inspect are exempt from the public disclosure requirements of the Public Records Law, ORS 192.410 to 192.505.

In the course of its administration of the motor vehicle laws, the MVD receives information relating to a person's "history of any physical or mental disease or disability that may impair the person's ability to drive." ORS 807.090(1); see also ORS 807.070(4). Such information is exempt from disclosure under the Public Records Law if the information is submitted voluntarily and in confidence, the information reasonably can be deemed confidential, the MVD has obliged itself in good faith not to disclose the information, and the public interest would suffer by disclosure. ORS 192.502(3). Similarly, when the law requires submission of this type of information to the MVD, the information is exempt from public disclosure requirements by virtue of ORS 807.710(3) as incorporated into the Public Records Law by ORS 192.502(8).

We conclude that the MVD may withhold disclosure of the information you wish to inspect. Accordingly, we deny your petition for a disclosure order.

Respectfully submitted,

James E. Mountain Jr.

JAMES E. MOUNTAIN, JR.
Special Counsel to the
Attorney General

JEM:cm
cc: Robin E. Bower, Supervisor, Driver Control Unit, MVD
Joyce Yates, Medical Referrals, Driver Safety Section, MVD
Jim Russell, Assistant Attorney General
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