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November 16, 1995

Florence Griffin
175 Gwinn Street
Monmouth, OR 97361

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

Dear Ms. Griffin:

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 November 13, 1995, asks the Attorney General to direct the Oregon Department of Corrections (ODOC) to make available to you for inspection or produce copies of the following records:

1. From January 1, 1994, to January 1, 1995, statistics of persons incarcerated in the Correction system afflicted with Tourette Syndrome and/or Obsessive Compulsive Disorder (OCD).

For the reasons that follow, we respectfully deny your petition.

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). The right to access public records granted by the Public Records Law extends generally to records in an agency's possession; it does not require an agency to create records not already in existence. *See* Letter of Advice dated June 1, 1987, to Jim Keeney (OP-6126); *see also* Attorney General's Public Records and Meetings Manual, Appendix A-1 (September 9, 1995).

Your petition states that you asked to inspect and/or copy the public records listed in your petition above, but that your request was denied by Catherine Knox, ODOC's Administrator for Health Services. Attached to your petition is a letter from Ms. Knox in response to your request for public records. In that letter, dated October 31, 1995, Ms. Knox advises you that ODOC does not maintain or possess the statistical records you requested. Diane Johnson, Executive Assistant to Ms. Knox, confirms that ODOC does not maintain or possess statistical records on the incidence of Tourette's Syndrome or Obsessive Compulsive Disorder among inmates confined in ODOC correctional institutions.

Because ODOC does not maintain or possess the statistical records listed in your petition, we must deny your petition as moot.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the Attorney General

ESH:JVV:jvv:clr/JGG0CABE
c: Catherine Knox, Administrator
Health Services
Oregon Department of Corrections