The Attorney General Is the Last Stop Before Court

45 years of Oregon's public records orders.

Robert Samuel White · openrecordsoregon.org/newsroom/last-stop-before-court

> **When a state agency refuses a public records request, the person who made it can petition the Attorney General, and the agency then has to show it has a legal right to withhold the records. The Attorney General has seven days to rule.[1]**

Since 1981, the Attorney General has issued thousands of these orders. Of the 2,674 we have read, only 158 told an agency to release a record. Since the start of 2025, the Attorney General's office has done that six times in 282 orders.

The orders show a system with several ways out, and each of them lets a petition end without the agency losing: a denial, a finding that the case is moot, a ruling that the petition came too early, and a granted petition that only sets a date for the agency to finish responding.

No one had looked at the orders together. The State of Oregon Law Library publishes each one by itself, without the petition it answers, the agency's response, or the records in dispute, so the only account of a case is the one written by the office that decided it.

We collected all of the orders in one place and analyzed them.[2]

The data.

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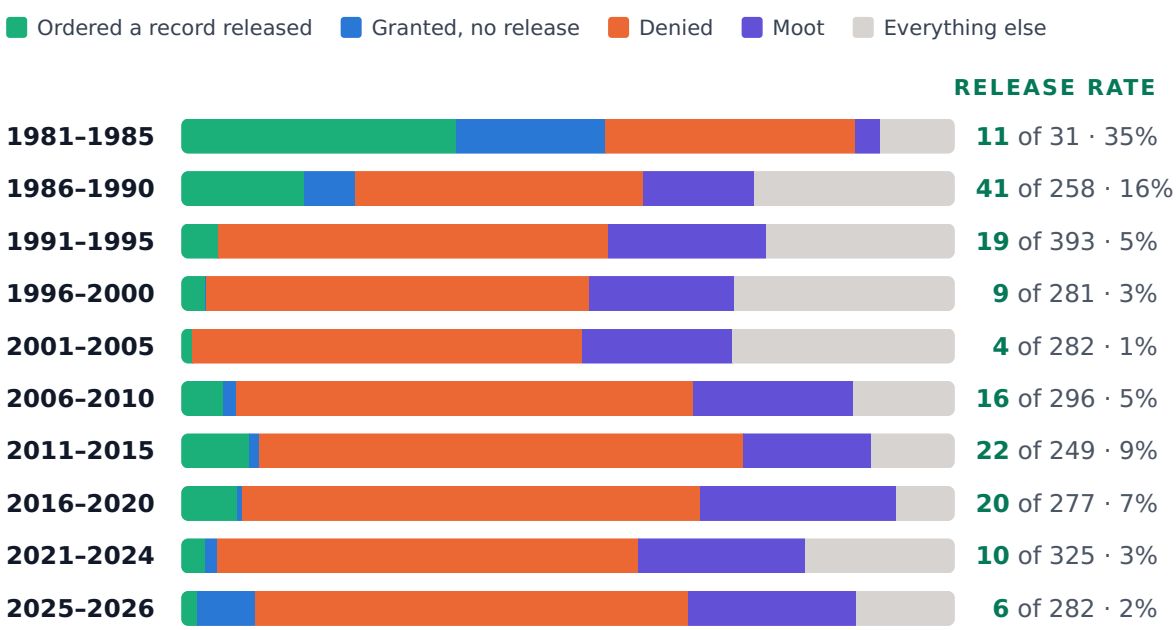

From 1981 to 1990, 52 of 289 orders released a record. In 2025 and 2026, only six of 282 have. Over the same years, denials and moot rulings together grew from 144 of 289 orders to 219 of 282.

Denied.

More than half of all petitions, 1,415 of them, are simply denied. The law puts the burden on the agency, but the office often accepts what the agency tells it, in words like these: “Under the circumstances, we have no reason to second-guess DAS’s representation that the records you seek are not in DAS’s custody.”[3] The phrase “second-guess” appears in 158 orders.

Moot.

Moot is how an agency keeps the Attorney General from having to rule at all. After a petition arrives, the office contacts the agency, in a conversation the person who filed is not part of and does not hear. Instead of defending what it did, the agency promises to do something, and the office ends the case on that promise, whatever else the

petition raised: “Because OSP has reopened this request with the intent to locate and review additional records, we respectfully dismiss this portion of your petition as moot.”[4]

It is the petition that gets denied, and because nothing in the petition is ever ruled on, the agency can never be found wrong. Nothing in the order holds the agency to its promise, so if it does not follow through, the person has to start over. About one petition in five has ended this way, 529 in all.

Premature and no jurisdiction.

Another 386 petitions never reach the question at all. In 273 of them, the office said the person had come too soon because the agency had not yet refused: “We must dismiss your new appeal as premature because there is no denial or partial denial for this office to review at this time.”[5] In the other 113, the office said it had no authority to decide: “We lack jurisdiction to consider your appeal.”[6]

In about half of those, 60 orders, the reason is an elected official. The office says it cannot rule on records an elected official holds, but it has. In 1995, it ordered the Oregon State Treasurer “to disclose the requested records.”[7] In 2023, it told a person it lacked jurisdiction over the Secretary of State[8], and in 2024, it decided a petition against the Secretary of State anyway.[9]

The office treats the statute it relies on as a catch-all for anything an elected official decides: “That authority does not include the authority to review decisions made by elected officials.”[10] The statute covers one situation, a person denied a record held by an elected official, and it stops a petition only after the official claims a right to withhold the record.[11] When the office quotes it, that condition is cut out: “it shall not be considered by the Attorney General * * *.”[12]

Granted.

Only 217 petitions, or 8.1%, have been granted in whole or in part, and what that means has changed. Before 2025, 152 of the 190 granted petitions ordered a record released. Since then, only six of 27 have.

A record of nothing but denials could not be defended, so some petitions have to be granted, and lately they have come mostly from one place. The Oregon Department of Human Services accounts for 18 of the 27 granted since 2025, after only three in the

previous 44 years. In 2026 it has 16 of 21, while every other public body combined has five. Fifteen of those 16 simply set a date for it to finish responding: “We grant your petition, and we order ODHS to complete its response by October 9, 2026.”[13]

The agency tells the office how many requests it is holding, and the office accepts that number as the reason for the delay. It is the only agency that behaves this way. The number has grown from 1,026 in May 2025 to 4,145 in October 2026.[14,15] A queue number appears in 21 orders about this agency and in only two about any other. The queue lets the agency keep people waiting without ever denying them, and the person who petitions gets a date, so the number of granted petitions rises while the institution gives up nothing.

What is left.

Nearly every petition ends in the institution’s favor. The Attorney General’s office is supposed to be where a person can make an agency show it has a legal right to withhold records, without hiring a lawyer or going to court. When the office does not do that, nothing takes its place. The person has to sue to get records the law already says the public has a right to see, and for anyone who cannot do that, the agency’s refusal stands.

Sources.

1. ORS 192.411(1)
   openrecordsoregon.org/statute/#192.411(1)
2. Petitions
   openrecordsoregon.org/petitions
3. Order 2887, Oregon Department of Administrative Services, August 4, 2026
   openrecordsoregon.org/petitions/2887
4. Order 2881, Oregon State Police, July 29, 2026
   openrecordsoregon.org/petitions/2881
5. Order 2563, Oregon Department of Corrections, January 23, 2024
   openrecordsoregon.org/petitions/2563
6. Order 2531, Oregon Governor’s Office, November 1, 2023
   openrecordsoregon.org/petitions/2531
7. Order 1303, Oregon State Treasurer, May 15, 1995
   openrecordsoregon.org/petitions/1303
8. Order 2476, Oregon Secretary of State, June 20, 2023
   openrecordsoregon.org/petitions/2476
9. Order 2650, Oregon Secretary of State, December 18, 2024
   openrecordsoregon.org/petitions/2650
10. Order 2933, Oregon Governor’s Office, October 1, 2026
    openrecordsoregon.org/petitions/2933
11. ORS 192.427
    openrecordsoregon.org/statute/#192.427
12. Order 2927, Oregon Governor’s Office, September 24, 2026
    openrecordsoregon.org/petitions/2927

13. Order 2934, Oregon Department of Human Services, September 30, 2026
    openrecordsoregon.org/petitions/2934
14. Order 2681, Oregon Department of Human Services, May 2, 2025
    openrecordsoregon.org/petitions/2681

15. Order 2939, Oregon Department of Human Services, October 22, 2026
    openrecordsoregon.org/petitions/2939

CORRESPONDENCE

Letter to Oregon public records officials and legislators on the sources of figures about Attorney General orders.

This letter lets readers check the figures in the November 7 letters on the Attorney General's public records orders, linking each to the orders it was counted from and attaching a spreadsheet of all 2,674 orders. It asks nothing new, invites correction of any figure, and notes that two have changed since November 7.

DP **David Pitcher, Oregon Sunshine Committee, Public Records Advisory Council, Rep. David Gomberg**

November 8, 2026 1

Letter to Representative David Gomberg asking for a 2027 bill on Attorney General public records orders.

This letter to the chief sponsor of House Bill 3793 (2025) describes the Attorney General's 2,674 public records orders, 1981 to October 2026. It asks Representative Gomberg to carry a bill in the 2027 session making six changes, including giving petitions to the Office of the Public Records Advocate.

DG **Rep. David Gomberg** November 7, 2026 3

Letter to the Public Records Advisory Council on the Attorney General's public records orders.

This letter asks the Public Records Advisory Council to include in its December 1 report six findings and recommendations on how the Attorney General's office decides public records petitions, drawn from 2,674 orders read together on this site. It asks the council to say in its report where it declines any of them, and why.

PR **Public Records Advisory Council** November 7, 2026 3

Written comment to the Oregon Sunshine Committee on the Attorney General's public records orders.

This letter, submitted for the committee's November 18 meeting, asks it to enter the comment and an article on 2,674 orders in its record and to recommend six changes to the Legislature on how petitions are decided. It also asks the Attorney General's designee to answer eight questions.

OS **Oregon Sunshine Committee** November 7, 2026 1

Letter to the Public Records Counsel on petition orders and requests for comment.

This letter sets out a reading of 2,674 Attorney General orders on public records petitions and asks David Pitcher, Public Records Counsel, to comment for the record. It asks eight questions, on dismissals as moot, grants against the Oregon Department of Human Services, and petitions involving elected officials.

DP **David Pitcher** November 7, 2026