

PUBLIC RECORDS REQUEST — GUIDANCE TO PUBLIC BODIES ON SEARCHING EMAIL

TO Public Records Officer, Oregon Department of Justice

FROM Robert Samuel White

DATE October 27, 2026

RE Public records request under ORS 192.314

To the Public Records Officer, Oregon Department of Justice:

Under ORS 192.314, I request the following public records of the Oregon Department of Justice. **This request excludes any record concerning me.** It concerns what the Department tells Oregon’s public bodies about searching email when the public asks for it, and how the Department searches its own.

Background. The Attorney General publishes the Public Records and Meetings Manual, which public bodies’ records officers rely on,¹ and the Department trains those officers. On October 15, 2026, the Department’s Public Records Counsel reported “1,350 potentially responsive records” for one request and estimated “13 hours of managerial time” to review them, without stating how the Department’s email had been searched.² The Public Records Advocate’s 2025 survey of public bodies found that “modernized email search tools” produced “significant improvements” and recommended that the state “provide shared software licenses for search tools.”³

Records requested. For the period January 1, 2023, to the date of search, unless stated otherwise:

1. Every section, appendix, or supplement of the Attorney General’s Public Records and Meetings Manual, in every edition in force since January 1, 2023, that addresses searching for electronic records, email, or electronically stored information in response to a public records request, including the time a public body may charge for the search.
2. Every training presentation, handout, outline, recording, or written material the Department has used to train public bodies or their records officers on responding to public records requests for email since January 1, 2023, with the date and audience of each training.
3. Every guidance document, advice letter, memorandum, FAQ, or email the Department has issued to any public body since January 1, 2023 on how to search email for a public records request, including any guidance on the use of Microsoft 365 eDiscovery or content search, searches performed by information technology staff, and searches performed by individual employees of their own mailboxes.
4. The Department’s own written procedure for searching its email in response to a public records request: who performs the search, what tool is used, and how the time is recorded and charged.
5. Every record showing whether, since January 1, 2023, the Department has used Microsoft 365 eDiscovery or content search to respond to a public records request, or has asked Enterprise Information Services to run such a search on its behalf, and the number of times.

If any of these records is kept in a system, an export or report from that system is acceptable.

The search. Please state in writing the accounts, systems, and archives searched; the exact terms and date range used; the date of the search and the title of the person who conducted it; and the number of responsive records found. The statute does not require you to describe your search. I am asking because the search is the answer, and I would rather publish yours than my guess at it. If there are no responsive records for any item, please say so in writing, item by item, with the search described above.

Format and correspondence. Under ORS 192.324(3), please provide records in their native electronic format with metadata intact, by email or secure link. Please conduct all correspondence about this request by email, including acknowledgments, estimates, waiver decisions, and payment instructions. Under ORS 192.324(1), this letter is a complete written request, and it includes a complete fee waiver request. It does not need to be resubmitted on a form.

Redaction. Please redact the names, home addresses, personal phone numbers, and personal email addresses of private individuals. No other redaction is requested for privacy. In any fee estimate, please list redaction time separately from search and production time, with the hours and the hourly rate of the employee performing it. Under ORS 192.324(4)(b), a fee may not include attorney time spent determining the application of the public records law.

Exemptions. For any record or portion withheld, please identify the record, the specific exemption claimed, and how it applies to that record (ORS 192.329, 192.338). Please segregate and release nonexempt portions. A fee estimate is not an exemption assertion. Guidance, training material, and advice to agencies on how to search for public records are not attorney-client communications by virtue of having been written by a lawyer; if you claim privilege for any record, please identify the client, the attorney, and the legal advice sought.

Fee waiver. I request a waiver of all fees under ORS 192.324(5). Disclosure primarily benefits the general public:

1. *Requester's identity.* I maintain oprdivolunteerabuse.org, a public archive of Oregon state government records. It has published complete public records productions from the Oregon State Police, Department of Administrative Services, Oregon Parks and Recreation Department, and the Office of the Public Records Advocate.⁴ This request excludes any record concerning me.
2. *Purpose.* To publish, in full and without charge, the guidance Oregon's public bodies are given on searching email when the public asks for it, next to what they tell the public it costs.
3. *Character of the information.* I am asking every state agency in Oregon the same question about its email: what did it write to the State Police press office, and about whom. The first of those requests went out on October 22 and October 27, 2026. Before the day was out, one agency had its twelve staff searching their own inboxes,⁵ and another was drawing up an invoice for "many hours of staff labor"⁶ for a search the state can run in minutes on a system it already owns.⁷ The Department wrote the manual those agencies work from. The records I am asking for show what it told them to do, and what it does itself. That is the administration of ORS 192.311 to 192.478, and it is the fee the public is charged under ORS 192.324(4).
4. *Public domain.* The manual is published. What the Department has told public bodies in training and in advice about searching email, and how the Department searches its own, is not.
5. *Ability to disseminate.* The archive has published every production it has received, with original files and metadata, at no charge. Records from this request will be published the same way. I have no commercial interest in them.

If a full waiver is denied, I request a reduction of fees under the same provision. If the waiver is denied or a reduction is granted in part, please give the reasons in writing for each factor, state the amount or percentage of any reduction and its basis, and provide an itemized estimate before any work begins, showing the tasks, the hours for each, and the hourly rate of the employee performing each.

Timeline. Please acknowledge this request within five business days and give an estimated completion date as required by ORS 192.324 and 192.329.

Preservation. Please preserve all records responsive to this request while it and any petition for review are pending.

Respectfully,

Robert Samuel White

🔥 rswfire.com

🔗 oprdivolunteerabuse.org

🔗 autonomyrealms.com

Sources

1. Oregon Department of Justice, Attorney General’s Public Records and Meetings Manual. <https://www.doj.state.or.us/oregon-department-of-justice/public-records/attorney-generals-public-records-and-meetings-manual/>
2. David Pitcher, Oregon Department of Justice, fee waiver denial and estimate, October 15, 2026. <https://oprdivolunteerabuse.org/record/doj/01M50S7NEG8CQV2R6TF6Y6BKXZ/>
3. Office of the Public Records Advocate, “Findings and Recommendations from the 2025 Oregon Public Records Transparency Survey,” sections 3 and B. <https://www.oregon.gov/prs/SiteAssets/Pages/advisory-council-past-meetings/Findings%20and%20Recommendations%20from%20the%202025%20Oregon%20Public%20Records%20Transparency%20Survey.pdf>
4. Oregon State Police, PR27478, <https://oprdivolunteerabuse.org/records/osp/>; Department of Administrative Services, <https://oprdivolunteerabuse.org/records/das/>; Oregon Parks and Recreation Department, <https://oprdivolunteerabuse.org/records/oprd/>; Office of the Public Records Advocate, October 27, 2026, <https://oprdivolunteerabuse.org/record/governor/01M5ZTYWMR1EM9C7R3S815Z4FG/>
5. Employment Relations Board, October 27, 2026. <https://oprdivolunteerabuse.org/record/public-question-1/01M5ZMSTZG2CY6QT8SJTNGPSQW/>
6. Oregon Department of Emergency Management, October 27, 2026. <https://oprdivolunteerabuse.org/record/public-question-1/01M5ZPMTNRMGP3CRR9XYTPXM0H/>
7. Microsoft 365 Progress Report, Joint Ways and Means Subcommittee on General Government, February 13, 2020, pp. 4 and 11 (“Advanced Compliance: Advanced eDiscovery”), <https://olis.oregonlegislature.gov/liz/2020R1/Downloads/CommitteeMeetingDocument/216317>; EIS Digest, December 2024 (on-premises email decommissioned November 21, 2024; 46 agencies), <https://content.govdelivery.com/accounts/ORDAS/bulletins/3c6649e>; EIS NTT Pro Services Special Procurement, June 10, 2025 (eDiscovery among supported M365 applications), <https://www.highergov.com/sl/contract-opportunity/or-eis-ntt-pro-services-special-procurement-51980448/>