

ROD UNDERHILL, District Attorney for Multnomah County

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September 17, 2018

Dan Hagan
danhaganlycos@gmail.com (via email only)

Bernedette Nunley
Senior Assistant County Attorney
501 S.E. Hawthorne Boulevard, Suite 500
Portland, Oregon 97214

Re: Petition of Dan Hagan seeking Multnomah County Health Department records relating to himself

Dear Mr. Hagan and Ms. Nunley:

In his public records petition, received by this office on September 5, 2018, petitioner Dan Hagan requests that we order the Multnomah County Health Department (MCHD) to provide him with “all records, including internal documented communication (memos, phone calls, notes, etc.) by staff and directors concerning me.”

Mr. Hagan made this request to MCHD on January 24, 2018. MCHD supplied him with his medical records sometime after that (it is unclear from this record exactly when). On April 3, 2018 Mr. Hagan followed up, again stating that he wanted not just medical records, but any internal MCHD records relating to him. In response to this request MCHD again supplied him with a copy of his medical records.

On September 5, 2018 Mr. Hagan filed an appeal with our office seeking access to the non-medical record portions of his request.

Since filing that appeal, the county attorney’s office has indicated that work on the balance of the request has started and has estimated a cost of \$75 to complete its response to Mr. Hagan’s initial request.

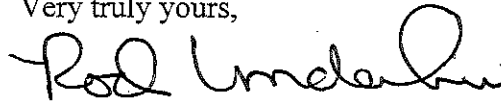
This office has been copied on some correspondence regarding the propriety of this fee, but to our knowledge there has been no request for or decision on a fee waiver and no appeal of any such decision is before us. We do note that ORS 192.324(4) provides that an agency may pass on its actual costs in responding to a public records request, which may include the staff time necessary to research and review any potentially responsive records.

Since it has been more than 15 business days since Mr. Hagan made his request, indeed it has been almost eight months, MCHD is deemed to have denied his request. ORS 192.407(1)(a). This denial has neither been justified by reference to any public records exemption nor by any applicable exception to the timelines set forth in ORS 192.329(6).

ORDER

Accordingly, the petition is granted. Pursuant to ORS 192.407(3), MCHD shall provide petitioner with the record responsive to his request within two weeks (14 calendar days) of the date of this order. This release is subject to payment of fees, if any, not to exceed the actual costs in producing the records.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rod Underhill". The signature is fluid and cursive, with a large loop at the end of the last name.

ROD UNDERHILL
District Attorney
Multnomah County, Oregon