



ROD UNDERHILL, District Attorney for Multnomah County

600 County Courthouse • Portland, Oregon 97204 • 503 988-3162 • FAX 503 988-3643
www.mcda.us

May 7, 2019

Patrick Cashman
pcashman20@gmail.com via email only

Ken McGair
Deputy City Attorney
1221 S.W. Fourth Avenue, Suite 430
Portland, Oregon 97204

Re: Petition of Patrick Cashman seeking information about the route of the 2019 World Naked Bike Ride

Dear Mr. Cashman and Mr. McGair:

In his public records petition, dated April 26, 2019, Mr. Cashman asks this office to order the City of Portland to provide him with information about the proposed route of the 2019 World Naked Bike Ride.

The City has responded to Mr. Cashman that it possesses no records responsive to his request. The City states that the planning process for the Naked Bike Ride is ongoing and that no route information has yet been reduced to writing. To the extent that Mr. Cashman is seeking information about discussions or agreements between the City and event organizers that have not been reduced to writing, the City argues that those are beyond the scope of the public records law. Petitioner, in turn, asserts that the City is attempting to conceal information by consciously not creating any written record of its planning process. Petitioner cites multiple emails from various city officials in support of this assertion.

As we have previously noted, “[w]hether or not a public body should, or must, create or retain any particular record in any particular way is beyond the scope of this office’s authority under the public records law.” *Petition of Kessler*, MCDA PRO 19-13 (2019). The City is correct that the public records law requires only that public bodies produce existing records. It does not require that they answer questions about their processes or reduce to writing information that is, or may be, known to city officials.

ORDER

Accordingly, the petition is denied.

Very truly yours,

ROD UNDERHILL
District Attorney
Multnomah County, Oregon