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PRADA

pradapdx@gmail.com (via email only)

Re: Petition of PRADA seeking more refined residence information about Portland Police Bureau (PPB) officers

Dear PRADA:

Petitioner requested that the City of Portland provide them with “PPB employee roster.” Petitioner further specified that “[n]ame and partial address can be redacted but we require DPSST ID number and the full nine-digit full ZIP Code for each employee.” The City provided petitioner with a list of how many officers live in each five-digit ZIP Code and otherwise denied the request asserting that it did not possess a responsive record, and was not required to compile a new one. Alternatively the City asserts that the requested information is covered by ORS 192.355(3).

I do not need to engage with the City’s alternative argument because the district attorney has already issued an order resolving a materially indistinguishable request. *Petition of Zielinski*, MCDA PRO 21-11 (2021). In *Zielinski* a reporter had requested a list of five-digit ZIP codes for all PPB officers, which the City did not possess. In resolving that dispute, the district attorney wrote:

In the public records law there is a subtle, but critical, distinction between “information” and “records.” A record is a “writing that contains information.” ORS 192.311(5). Public bodies are required to provide records; they are not required to provide information. That many public bodies employ Public Information Officers who routinely *do* provide information on request often confuses this distinction.

It is likewise well-settled that the public records law does not require a public body to perform analysis of records or information in its possession or create new records in response to a public records request. Attorney General’s PUBLIC RECORDS AND MEETINGS MANUAL (2019) at 7; *Petition of Kessler*, MCDA PRO 19-13 (2019) (“The public records law does not require a public body to create new records in response to a request, nor does it require it to produce records that it does not have.”)

As applied in this case, petitioner asked for “a list of ZIP codes for the listed residence of every sworn officer within the Portland Police Bureau.” BHR did not, at the time of the request, possess such a list and would have been within its right under the public records law to respond as such and close the request. ORS 192.329(2)(d). That is not, however, how it chose to proceed.

Instead of closing the request, BHR elected to compile certain relevant information in its possession into a new record, which it then provided to petitioner. This record is not

responsive (completely) to petitioner's request because it does not provide the level of detail requested, which is the subject of the present appeal.

Having explained the distinction between information and records, and the treatment of each under the public records law, we must conclude that, although BHR undoubtedly possesses the information necessary to create the precise record that petitioner is requesting, the public records law does not obligate it to do so.

*Id.* at 2-3.

In the present case, unlike in *Zielinski*, the City now *does* possess a list of how many officers reside in each five-digit ZIP code, and has provided that record to petitioner. The City does not possess a record that compiles the additional information sought by petitioner (nine-digit ZIP and DPSST number.) My decision is directly controlled by the district attorney's order *Zielinski*, so, for the reasons set out there, I must deny the petition.

### ORDER

Accordingly, the petition is denied.

Regards,

MIKE SCHMIDT  
District Attorney  
Multnomah County, Oregon

By: \_\_\_\_\_

  
Adam Gibbs  
Sr. Deputy District Attorney

Cc: Jenifer Johnston, City of Portland

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