



**MIKE SCHMIDT**, District Attorney for Multnomah County

1200 SW First Ave, Suite 5200 • Portland, Oregon 97204 • 503 988-3162 • FAX 503 988-3643  
www.mcda.us

January 24, 2022

Scott Forrester  
clackamas9@aol.com [via email only]

Re: Petition of Scott Forrester seeking email addresses for Community Budget Advisory Committee members

Dear Mr. Forrester:

You filed a public records petition on December 31, 2021 requesting that we order Multnomah County to respond to a public records request you had made on December 3, 2021 for “the names and email addresses of the current members of the Departments of County Assets & Management Community Budget Advisory Committee.” Multnomah County has explained that it did respond to your request and that it withheld email addresses for the committee members as authorized by ORS 192.355(40)(a).

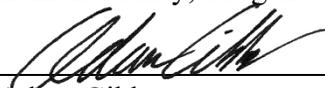
To the extent your appeal is a timeliness appeal under ORS 192.411, it is moot. The County has completed its response to your request. If you are challenging the County’s assertion that the email addresses are exempt from disclosure, I must deny that petition on the merits.

The County explains in its response that the committee members are not issued official county email addresses. Although the County may have personal email addresses for them in its possession, it states that those may be withheld under ORS 192.355(40)(a). This statute unconditionally exempts from disclosure “electronic mail addresses in the possession of [...] a local government.” The statute goes on to state that email addresses “assigned by the public body to public employees” are not exempt, but this does not encompass the personal email address of a public official. Because the information at issue is an email address, other than one assigned by a public body to a public employee, it may be withheld pursuant to ORS 192.355(40)(a).

When a public body has elected to assert an unconditional exemption, which this is, I am not permitted to consider the public interest in evaluating their decision to do so. Accordingly, the petition is denied.

Regards,

MIKE SCHMIDT  
District Attorney  
Multnomah County, Oregon

By:   
Adam Gibbs  
Sr. Deputy District Attorney

Cc: Jenny Madkour, Multnomah County Attorney