

Clackamas County Sheriff's Office

"Working together to make a difference"



CRAIG ROBERTS, Sheriff
DAVID KIRBY, Undersheriff

December 2, 2008

Dear Mr. _____

Sheriff Roberts asked me to respond to your inquiry to the Sheriff's Office about the public release of personal information recorded in your concealed handgun license (CHL) application. The Sheriff's office has been directed by our legal counsel to allow public inspection of CHL applications because they are public records subject to public inspection under Oregon's Public Records Laws (Oregon Revised Statutes (ORS) 192.410 to 192.505).

Some of your information however may be withheld from public inspection as allowed by ORS 192.445 (attached) which permits nondisclosure of an individual's home address, home telephone number, and electronic email when an individual demonstrates to the satisfaction of the public body that the personal safety of the individual or family member residing with the individual is in danger if that information remains available for public inspection. If you want to make a request based on this law please direct a letter to my attention that meets the requirements of the statute. A copy of ORS 192.410 is attached to this letter.

The Clackamas County Sheriff's Office welcomes your questions and comments about the current status of Oregon's Public Records Law and the release of information on public CHL applications. We have a new e-mail address on our website for CHL holders to send us questions and comments at chl@co.clackamas.or.us and we will post information about this issue on our website as it becomes available.

Sincerely,

Craig Roberts, Sheriff

A handwritten signature in black ink, appearing to read "Debbie Brent".

Debbie Brent, Lieutenant

192.445 Nondisclosure on request of home address, home telephone number and electronic mail address; rules of procedure; duration of effect of request; liability; when not applicable. (1) An individual may submit a written request to a public body not to disclose a specified public record indicating the home address, personal telephone number or electronic mail address of the individual. A public body may not disclose the specified public record if the individual demonstrates to the satisfaction of the public body that the personal safety of the individual or the personal safety of a family member residing with the individual is in danger if the home address, personal telephone number or electronic mail address remains available for public inspection.

(2) The Attorney General shall adopt rules describing:

(a) The procedures for submitting the written request described in subsection (1) of this section.

(b) The evidence an individual shall provide to the public body to establish that disclosure of the home address, telephone number or electronic mail address of the individual would constitute a danger to personal safety. The evidence may include but is not limited to evidence that the individual or a family member residing with the individual has:

(A) Been a victim of domestic violence;

(B) Obtained an order issued under ORS 133.055;

(C) Contacted a law enforcement officer involving domestic violence or other physical abuse;

(D) Obtained a temporary restraining order or other no contact order to protect the individual from future physical abuse; or

(E) Filed other criminal or civil legal proceedings regarding physical protection.

(c) The procedures for submitting the written notification from the individual that disclosure of the home address, personal telephone number or electronic mail address of the individual no longer constitutes a danger to personal safety.

(3) A request described in subsection (1) of this section remains effective:

(a) Until the public body receives a written request for termination but no later than five years after the date that a public body receives the request; or

(b) In the case of a voter registration record, until the individual must update the individual's voter registration, at which time the individual may apply for another exemption from disclosure.

(4) A public body may disclose a home address, personal telephone number or electronic mail address of an individual exempt from disclosure under subsection (1) of this section upon court order, on request from any law enforcement agency or with the consent of the individual.

(5) A public body may not be held liable for granting or denying an exemption from disclosure under this section or any other unauthorized release of a home address, personal telephone number or electronic mail address granted an exemption from disclosure under this section.

(6) This section does not apply to county property and lien records. [1993 c.787 §5; 1995 c.742 §12; 2003 c.807 §1]

Note: 192.445 was added to and made a part of 192.410 to 192.505 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.