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To whom it may concern:

On May 15, 2019, KEZI requested the audio recording of a 911 call received on May 3, 2019, regarding an apparent murder/suicide at 4796 Teralee Lane, Eugene. The City of Eugene denied the request, citing ORS 192.355(2)(a), the personal privacy exemption. Ms. Daib then filed an appeal with this office.

ORS 192.355(2)(a) provides that a public record containing information of a personal nature is exempt from disclosure if disclosure would constitute an unreasonable invasion of privacy, unless disclosure in the particular instance is in the public interest. The party requesting disclosure has the burden of proof to establish the public interest in disclosure.

However, this balancing need only occur if the records contains "information of a personal nature," *and* disclosure would be "unreasonable invasion of privacy." In this instance, the caller reported that he had committed a crime, and that he was going to take his life. While it is not possible to know what the caller's intent was in phoning 911, clearly it was not to keep the matter private.

It is my view that the 911 call does not contain information that is of the kind that ORS 192.355(2)(a) intended to designate as "personal information." Thus, the balancing test need not be engaged in.

As such, it is the ruling of the District Attorney that the appeal is granted. The City of Eugene shall disclose the record as requested, or pursue further legal proceedings in Lane County District Court.

Sincerely,

PATRICIA W. PERLOW, District Attorney



Robert D. Lane
Assistant District Attorney