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Re: *Public Records Appeal*

Mr. Kolde and Mr. Reed:

This letter will constitute the District Attorney's order in this matter.

Mr. Kolde filed a public records request with University of Oregon (UofO), for records concerning outside legal counsel apparently retained by the UofO to work on a federal lawsuit. The UofO provided a number of records in response but withheld records concerning the actual hourly billing rates. Mr. Kolde appeal that decision.

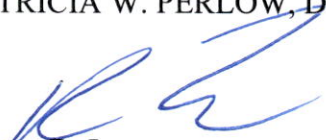
The UofO asserts that the records constitute "trade secrets," pursuant to ORS 192.345(2), and are thus conditionally exempt from disclosure.

The hourly rate that a public body negotiates with a law firm does constitute a "trade secret." However, such information is subject disclosure if "the public interest requires disclosure in the particular instance."

Having considered the arguments of both parties, it is the determination of this office that disclosure of the information would not serve the public interest in this particular instance. Therefore, the appeal is denied.

Sincerely,

PATRICIA W. PERLOW, District Attorney



Robert D. Lane
Deputy District Attorney