

Ben Straka

From: Windham Jeanne <JEANNE.WINDHAM@dhsosha.state.or.us>
Sent: Monday, July 20, 2020 11:29 AM
To: Ben Straka
Cc: New Craig C; Health WEBMASTER; Hernandez Delia
Subject: Public Records Request - COVID-19 Death Data (2020-0652)
Attachments: 2020.07.17 Records Request 2020-0652.pdf

VIA EMAIL ONLY - BStraka@FreedomFoundation.com

July 20, 2020

Mr. Ben Straka
Labor Policy Analyst
Freedom Foundation
Post Office Box 18146
Salem, OR 97305

Re: Public Records Request - COVID-19 Death Data (2020-0652)

Dear Mr. Straka,

This will confirm our telephone conversation of today, wherein I advised that Oregon Health Authority received your July 17, 2020 public records request for total COVID-19 related death data, specifically, records reflecting:

- The number of COVID-19 related deaths that listed COVID-19 as a primary cause of death on the death certificate;
- The number of COVID-19 related deaths that listed COVID-19 listed as a contributing cause of death on the death certificate;
- The number of COVID-19 related deaths that did not have COVID-19 listed anywhere on the death certificate;
- The number of individuals who tested positive that had COVID-19 listed on the death certificate;
- Of the *total* COVID-19-related deaths, the number of individuals that tested positive; and
- The number of presumptive cases that had negative test results.

As well as the information you already are aware of on our dashboard <https://govstatus.egov.com/OR-OHA-COVID-19>, here are a few links that may have information you would like:

<https://www.oregon.gov/oha/erd/pages/covid-19-news.aspx> (includes data reports and projections)

<https://public.tableau.com/profile/oregon.health.authority.covid.19#!/vizhome/OregonCOVID-19Update/CaseandTesting>

In addition, The Oregon Center for Health Statistics Vital has published a dashboard showing deaths at <https://public.tableau.com/profile/oha.center.for.health.statistics#!/>. This will show weekly deaths in Oregon, including COVID-19 deaths. While these links may have information you are seeking, for clarification, you requested information listed on death certificates. Access to death records is restricted for 50 years after the date of event, except to a decedent's spouse/domestic partner, child aged 18 or older, parent, sibling, grandparent, grandchild, next of kin, legal guardian immediately before death or an authorized representative. For reference, see ORS 432.380(2)(c)(B)(iii).

Finally, we do not publish confirmed and presumptive COVID data separately. Except for the data published on our webpage, the specific information you have requested is information obtained by Oregon Health Authority or a local public health administrator in the course of a disease outbreak investigation and is confidential under state law, and not subject to disclosure under the Oregon Public Records Act. See ORS 433.008(1). There is no exception under ORS 433.008(2) that would permit Oregon Health Authority, in its discretion, to provide you with the information you are seeking.

Therefore, pursuant to ORS 192.355(9)(a) (public records or information the disclosure of which is prohibited or restricted or otherwise made confidential or privileged under Oregon law), your request is denied. If you so choose, you may seek review of this determination pursuant to ORS 192.401, 192.411, 192.415, 192.418, 192.422, 192.427 and 192.431.

Jeanne Windham

Public Records and Internal Litigation Process Coordinator

OREGON HEALTH AUTHORITY

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