

*Genie*



DEPARTMENT OF LAW  
OFFICE OF THE  
**Attorney General**  
STATE CAPITOL  
Phoenix, Arizona 85007

**JOHN A. LASOTA, JR.**  
ATTORNEY GENERAL

November 27, 1978

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**ARIZONA ATTORNEY GENERAL**

The Honorable Billy L. Hicks  
Yavapai County Attorney  
Yavapai County Courthouse  
Prescott, AZ 86301

RE: I78-241 (R78-270)

Dear Mr. Hicks:

This addendum to the above referenced opinion is written to avoid any possible misunderstanding with regard to the caveat set forth in that opinion. We stated in Attorney General Opinion No. I78-241 (R78-270) that social security numbers contained in payroll vouchers may not be disclosed. In addition we should point out that where payroll vouchers include information concerning payroll deductions, other than those required by law, we conclude that such information is not a public record and thus not subject to public disclosure. Such information is personal to the employee and its disclosure may violate an employee's constitutional right of freedom of association. N.A.A.C.P. v. Alabama, 357 U.S. 449, 78 S.Ct. 1163, 1174 (1958). See also, Baird v. State Bar of Arizona, 401 U.S. 1, 9 S.Ct. 702 (1971).

Sincerely,

*John A. Lasota, Jr.*  
JOHN A. LASOTA, JR.  
Attorney General

JAL/RGM/amr



DEPARTMENT OF LAW  
OFFICE OF THE  
**Attorney General**  
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Phoenix, Arizona 85007

JOHN A. LASOTA, JR.  
ATTORNEY GENERAL

October 30, 1978

Billy L. Hicks, Esq.  
Yavapai County Attorney  
Yavapai County Courthouse  
Prescott, AZ 86301

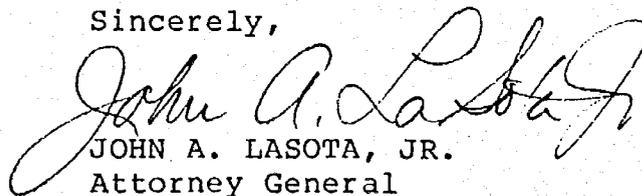
Re: I78-241 (R78-270)

Dear Mr. Hicks:

We have reviewed your September 8, 1978 opinion addressed to the Yavapai County School Superintendent, concluding that he must furnish salary and contract information regarding specific school district employees to residents of the district upon request. We concur with your conclusion based upon the authority cited.

The request also asked whether the County School Superintendent is required to disclose copies of payroll vouchers upon request. We conclude that these also would constitute public records which must be disclosed to the public, and copies<sup>1</sup> must be provided upon proper request, subject to the caveat that Social Security numbers contained in such records may not be disclosed. See Atty.Gen.Op. No. 77-85 and 42 U.S.C. §§ 405(C)(i) and 408(H).

Sincerely,

  
JOHN A. LASOTA, JR.  
Attorney General

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<sup>1</sup> See Generally A.R.S. §§ 39-121.01 et seq. Concerning the general question of what are public records, see A.R.S. § 41-1350.

*Rich*



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COUNTY ATTORNEY  
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PHOENIX, ARIZONA

OFFICE OF  
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CARL H. COAD  
DEPUTY  
STEVEN B. JAYNES  
DEPUTY  
HOWARD D. HINSON, JR.  
DEPUTY

September 8, 1978

*R 78-270*

Dr. Eugene M. Hunt  
Superintendent of Schools  
Yavapai County Courthouse  
Prescott, AZ 86301

Dear Gene:

In your letter of August 17, 1978, you request an opinion as to your authority as County School Superintendent to furnish salary and contract information regarding specific school district employees upon the request of residents of the district. A survey of the law in the general area of disclosure of public records indicates that you are obligated in most cases to disclose such information.

It is the duty of the Board of Trustees of a school district to employ and to fix the salaries of district employees (A.R.S. §15-443.A). The Open Meeting Law (A.R.S. §§38-431 et seq.) requires that all such action be taken at an open meeting with the minutes available to the public. Clearly, then, the Board of Trustees would have the duty to disclose salary and contract information.

The Board of Trustees is also required to furnish the County School Superintendent and the public with a copy of its proposed budget which includes personnel salaries (A.R.S. §15-1202.A). A.R.S. Sections 41-1346.(A)(1)(2) and 39-121.01 et seq. together provide that public officials including the County School Superintendent are obligated to make and to maintain records available to the public.

As to which records are required to be disclosed, A.R.S. §39-121 states the following:

"Public records and other matters in the office of any officer at all times during office hours shall be open to inspection by any person."

Dr. Eugene M. Hunt  
September 8, 1978  
Page Two

In the leading case of Mathews v. Pyle (75 Ariz 76, 251 P.2d 893 (1952)), the court defined disclosable public records as those made by a public officer pursuant to a duty to memorialize official action or to disseminate information (Id. at 78-79). Even matters that are not "public records" are required to be disclosed under the "and other matters" clause unless the request is for an improper purpose, the requested material is confidential or disclosure would harm the public. (See Id. at 79-80; Attorney General Opinion 66-6).

In Attorney General Opinion 70-1, the Attorney General concluded that a record of actual expenditures of public monies was a public record required to be disclosed under §39-121. The salary information of school district employees clearly falls within the definition of "actual expenditures" of public monies. In the event that there is a request for a copy of a contract of an employee, it should also be disclosed under most circumstances. The written contract of a certified employee is a public record since it is required to be in writing and held as a "memorial" of action taken by the Board of Trustees. (See A.R.S. §15-443.A). Even if a particular contract does not qualify as a public record, disclosure may be required under the "and other matters" clause so long as the request is for a legitimate purpose, the contract is not confidential and the public would not be harmed by disclosure.

Based upon the above discussion, it appears that it is also the duty of the County School Superintendent, in most cases, to disclose salary and contract information.

Should you have any other questions regarding this matter, please call me.

Very truly yours,

BILLY L. HICKS

Billy L. Hicks  
Yavapai County Attorney

j

cc:  
Dave Rich  
Office of the Attorney General  
State Capitol Building  
Phoenix, AZ 85007