



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert W. Corbin

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ARIZONA ATTORNEY GENERAL

February 13, 1985

Mr. Richard F. Albrecht
Deputy County Attorney
315 North 4th Street
Kingman, Arizona 86401

Re: I85-023 (R85-012)

Dear Mr. Albrecht:

We have reviewed the opinions expressed in your letter to Alvin Barlow, Superintendent of Colorado City Elementary School District No. 14, regarding whether school district employee names and salary information must be provided at the request of a newspaper reporter. We concur with your opinion in which you conclude that the school district must furnish contract and salary information regarding school district employees so long as appropriate precautions are taken to insure that social security numbers and payroll deductions other than those required by law are not revealed. We agree that the school district has no obligation to prepare a list which does not presently exist.

We refer you to Ariz. Atty. Gen. Op. No. I84-179 which contains an analysis of the law as it pertains to public records and the release of school district employee information.

Sincerely,

A handwritten signature in cursive script that reads "Bob Corbin".

BOB CORBIN
Attorney General

BC:TLM:lsp

MOHAVE COUNTY ATTORNEY

315 NORTH 4TH STREET • KINGMAN • ARIZONA 86401 • (602) 753-9141, EXT. 201



Rec'd 1-25-85

WILLIAM J. EKSTROM, JR.
County Attorney

January 23, 1985

R85- 012

Alvin Barlow
Colorado Elementary School Dist. No. 14
50 North Colvin Street
Colorado City, Arizona 86021

EDUCATION OPINION
ISSUE NO LATER THAN
3-26-85

Dear Al,

You have asked whether or not you are obligated to provide a list of school district employees and their salaries at the request of a newspaper reporter.

A.R.S. §39-121 provides:

"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."

In Mathews v. Pyle 75 Ariz 76, 251 P2d 893 (1952) the court defined a "public record" as a record which is required by law to be kept or necessary to be kept in the discharge of a duty imposed by law or directed by law to serve as evidence of something written, said or done is a public record. Matters which are not clearly public records by this definition may, however, be required to be disclosed pursuant to the clause of the statute referring to "any other matters". The test which is applied to these items is whether or not the request for their disclosure is for an improper purpose, are confidential or disclosure would be harmful to the public.

As the Board of Trustees is required to employ and fix the salaries of district employees and since all such actions setting such salaries must be done at an open meeting pursuant to A.R.S. §§38-431 et seq. any records which have been kept by the district to memorialize these transactions would be subject to public disclosure.

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Alvin Barlow

The Attorney General's Office in its opinion 178-241 concurred with the Yavapai County Attorney in his opinion that the County School Superintendent was obligated to "furnish salary and contract information regarding specific school district employees to residents of the district upon request". In an addendum to that opinion the Attorney General added that Social Security numbers must not be disclosed with the general salary information, as well as information concerning specific payroll deductions other than those which are required by law.

Based on the authority cited above, I recommend that the contract and salary information be given to the individual whos seeks it, however, appropriate precautions must be taken to insure that individual social security numbers and payroll deductions other than those required by law not be revealed. This recommendation is not meant to imply that a record disclosing the information sought must be prepared if it does not presently exist within the existing school records or documents. The district is only required to disclose contract and salary information such as it is found in the district files at the time of the request.

A copy of this opinion is being forwarded to the office of the Attorney General for review.

Sincerely,



RICHARD F. ALBRECHT
Deputy County Attorney

RFA/ln

cc: Attorney General's Office