



Attorney General

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Robert E. Corbin

February 6, 1989

Mr. Jerry N. LeCompte
General Manager
State Fund Workers' Compensation
Insurance Services
3031 North 2nd Street
Phoenix, Arizona 85012

Re: I89-015 (R89-002)

Dear Mr. LeCompte:

You have asked whether the public records law, A.R.S. §§ 39-121 to -122, applies to the State Compensation Fund.

It is our opinion that the State Compensation Fund is a public body within the meaning of A.R.S. § 39-121.01^{1/} and that the members of the board of directors of the Fund appointed by the Governor pursuant to A.R.S. § 23-981.01 are officers within the meaning of A.R.S. § 39-121.01. As such, the board of

1/A.R.S. § 39-121.01(A) provides:

2. "public body" means the state, any county, city, town, school district, political subdivision or tax-supported district in the state, any branch, department, board, bureau, commission, council or committee of the foregoing, and any public organization or agency, supported in whole or in part by funds from the state or any political subdivision thereof, or expending funds provided by the state or any political subdivision thereof.

Mr. Jerry LeCompte
189-015
Page 2

directors of the Fund and the Fund are required by A.R.S. §§ 39-121 and 39-121.01 to comply with the Public Records Act. Our Supreme Court has said that "access and disclosure is the strong policy of the law." Carlson v. Pima County, 141 Ariz. 487, 491, 687 P.2d 1242, 1246 (1984). In the absence of a specific legislative exemption, A.R.S. § 39-121 applies to every public body and officer. We note that A.R.S. § 23-986(E) exempts the State Compensation Fund from article 1, chapter 1, title 39. However, we find no exemption from article 2, chapter 1, title 39 -- the Public Records Act.

In Carlson the Arizona Supreme Court also recognized that "where the countervailing interests of confidentiality, privacy or the best interests of the state should be appropriately invoked to prevent inspection" an officer may withhold records from public inspection. 141 Ariz. at 491, 87 P.2d at 1246.

Sincerely,



BOB CORBIN
Attorney General

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