

PUBLIC RECORDS:

Records required by law to be kept by public officials in this state, unless otherwise provided by law, are subject to inspection by any citizen of Missouri under reasonable rules and conditions imposed by the legal custodian of such records and whether the conditions or regulations imposed are reasonable depends upon the conditions and rules imposed in each individual case.

OPINION NO. 114

January 29, 1970



Honorable E. J. Cantrell
Representative - District 33
306 Capitol Building
Jefferson City, Missouri 65101

Dear Representative Cantrell:

This is in response to your request for an opinion from this office as follows:

"I am in quest of your interpretation of Sections 109.180 and 109.190 of the Missouri Revised Statutes concerning the availability of and access to public records."

Section 109.180, RSMo Supp. 1967, provides:

"Except as otherwise provided by law, all state, county and municipal records kept pursuant to statute or ordinance shall at all reasonable times be open for a personal inspection by any citizen of Missouri, and those in charge of the records shall not refuse the privilege to any citizen. Any official who violates the provisions of this section shall be subject to removal or impeachment and in

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addition shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding one hundred dollars, or by confinement in the county jail not exceeding ninety days, or by both the fine and the confinement."

Section 109.190 RSMo Supp. 1967, provides:

"In all cases where the public or any person interested has a right to inspect or take extracts or make copies from any public records, instruments or documents, any person has the right of access to the records, documents or instruments for the purpose of making photographs of them while in the possession, custody and control of the lawful custodian thereof or his authorized deputy. The work shall be done under the supervision of the lawful custodian of the records who may adopt and enforce reasonable rules governing the work. The work shall, where possible, be done in the room where the records, documents or instruments are by law kept, but if that is impossible or impracticable, the work shall be done in another room or place as nearly adjacent to the place of custody as possible to be determined by the custodian of the records. While the work authorized herein is in progress, the lawful custodian of the records may charge the person desiring to make the photographs a reasonable rate for his services or for the services of a deputy to supervise the work and for the use of the room or place where the work is done."

Section 109.180 supra, provides that all records of the state kept pursuant to statute shall at all reasonable times be open for personal inspection by any citizen of Missouri.

Section 109.190 supra, provides that in any case where the public or any person interested has a right to inspect or the right of access to the records it shall be done under the supervision of the lawful custodian of the records who may adopt and enforce rea-

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sonable rules and regulations.

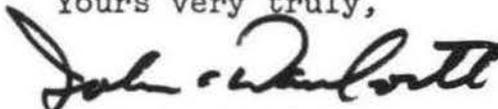
It is our opinion in that under these statutes, a public officer has authority to impose reasonable conditions or regulations as to the time, place and manner of inspection of public records under his control and whether such regulations or conditions are reasonable depends upon the regulations or conditions imposed in each individual case.

CONCLUSION

It is the opinion of this office that records required by law to be kept by public officials in this state, unless otherwise provided by law, are subject to inspection by any citizen of Missouri under reasonable rules and conditions imposed by the legal custodian of such records and whether the conditions or regulations imposed are reasonable depends upon the conditions and rules imposed in each individual case.

The foregoing opinion, which I hereby approve, was prepared by my assistant Moody Mansur.

Yours very truly,



JOHN C. DANFORTH
Attorney General