

WORKMEN'S COMPENSATION COMMISSION: Commission has no authority under the statute to destroy permanent records in its office.

October 4, 1938.

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Missouri Workmen's Compensation
Commission,
Jefferson City, Missouri.

Attention: Spencer H. Givens,
Secretary

Gentlemen:

This is to acknowledge receipt of your letter of September 20th, in which you request the opinion of this Department. Your letter is as follows:

"The Commission is seeking your opinion on whether or not it would have the right under the Missouri Workmen's Compensation Law to destroy certain of its older records, perhaps those in non-compensable cases, that are more than ten years old.

"Section 3360, R. S. Mo. 1929, is the only part of the Compensation Law in which we can find any reference for records to be kept, and this merely states that the Commission's permanent records shall be kept in Jefferson City. We are faced with the problem of securing enough space for the actual physical preservation of our case records. If the present law does not give us authority to take care of the situation, we plan to get legislative action on the matter, and, of course, wanted your opinion as to what our procedure should be."

Oct. 4, 1938.

Your question is, whether the Commission has authority to destroy certain records in the office of the Commission that are more than ten years old.

Section 3360, R. S. Mo. 1929, mentioned in your letter, provides in part as follows:

"The Commission shall be provided with offices at the state capital, in St. Louis and Kansas City, in which offices its records shall be kept, but its permanent records shall be kept in Jefferson City. * *"

It is our opinion that the Commission would have no authority to destroy any of the records of the Missouri Workmen's Compensation Commission even though, in the opinion of the Commission, these records would never be referred to. In our opinion you should receive legislative sanction to destroy any of the permanent files or records in your office before it could legally be done.

Very truly yours,

COVELL R. HEWITT
Assistant Attorney-General

CRH:EG

APPROVED:

J. E. TAYLOR
(Acting) Attorney-General