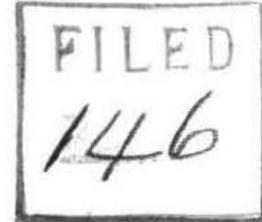


Opinion No. 146 Answered by Letter  
(Eagleton)

April 3, 1964



Honorable A. M. Spradling, Jr.  
State Senator, 27th District  
1838 Broadway  
Cape Girardeau, Missouri

Dear Senator Spradling:

This is in answer to your request for an opinion of this office as to whether or not a St. Louis hospital management survey is a public record under Section 109.180, RSMo Cum. Supp. 1963.

Section 109.180, RSMo Cum. Supp. 1963, reads as follows:

"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 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." (Emphasis supplied.)

It is our view that under the precise wording of this section the right of public inspection extends only to records "kept pursuant to statute or ordinance." We have found no statute or ordinance requiring the keeping of this survey, although of course there was an ordinance passed appropriating money to have the survey made.

Honorable A. M. Spradling, Jr. - 2.

April 3, 1964

Attached is a copy of a recent official opinion of this office of March 5, 1963 to the Honorable W. H. Bates, which discusses Section 109.180, RSMo Cum. Supp. 1963.

Since you were the author of Sec. 109.180, sometimes known as the Open Public Records Statute, I fully appreciate your interest therein. I concur fully with your thinking that a survey of this type paid for at considerable expense with taxpayers' money should be made available to the public. If St. Louis officials are unwilling to make available information of this type, then I believe that it will be necessary to amend Sec. 109.180 so as to require that any record "kept pursuant to or authorized by statute or ordinance" shall be made public.

Yours very truly,

TFE:oh  
enc.

THOMAS F. EAGLETON  
Attorney General