

RECORDS: Records of local registrars of births and deaths are open to inspection to a person having a proper interest therein.

6-29
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Dr. H. S. Gove
Assistant Registrar
The State Board of Health
Division of Child Hygiene
Jefferson City, Missouri

Dear Sir:

This will acknowledge receipt of your request for an opinion which reads as follows:

"This Department has had a number of inquiries from Deputy Local Registrars throughout the State, wanting to know whether or not their records are open to the public for inspection.

"We contend these records are incomplete until they are received in this office and filed as permanent records.

"We would like your opinion as to whether or not Deputy Local Registrars files would be open for inspection, and would said Registrar be compelled to let such records be inspected."

Section 9058, R. S. Mo. 1929, which relates to the duties of local registrars reads in part as follows:

***** He shall then number consecutively the certificates of birth and death, in two separate series, beginning with

the number one for the first birth and the first death in each calendar year, and sign his name as registrar in attest of the date of filing in his office. He shall also make a complete and accurate copy of each birth and death certificate registered by him in a record book of approved form, to be kept and permanently preserved in his office as the local record of such birth and death, in such manner as directed by the state registrar. And he shall, on the tenth day of each month, transmit to the state registrar all original certificates registered by him during the preceding month. And if no births or deaths occur in any month, he shall on the tenth day of the following month report that fact to the state registrar on a card provided for this purpose."

It is plain from the above section that the local registrar must keep and permanently preserve a copy of each birth and death certificate registered by him in his office as a local record of such birth and death.

There can be no doubt, therefore, that the record kept by a local registrar is a public record. We will now answer your question which is, whether or not such records are open to the public for inspection.

We find no statutory provision covering the question and must therefore look to the common law. 53 Corpus Juris, Section 40, page 624, states the law as follows:

"At common law a person may inspect public records in which he has an interest or make copies or memoranda thereof, when a necessity for such inspection is shown and the purpose does not seem to be improper, and where the disclosure would not be detrimental to the public interest; but the gratification of mere curiosity, or motives merely speculative, or the creation of scandal, will not entitle a person to inspection or to make copies or memoranda. ****"

23 R. C. L., Section 10, page 160, reads in part as follows:

" It is quite generally conceded that there is no common law right in all persons to inspect public documents or records; and that right, if it exists, depends entirely on the statutory grant. But at common law, every person is entitled to the inspection, either personally or by his agent, of public records, including legislative, executive, and judicial records, provided he has an interest therein which is such as would enable him to maintain or defend an action for which the document or record sought can furnish evidence or necessary information. Any person who by law is given authority to perform certain work on the public records is entitled to access thereto, so that it is necessarily implied that the person or persons authorized to index the records should have free access to them. It has been held, however, that no one has a right to examine or obtain copies of public records from mere curiosity, or for the purpose of creating public scandal. ****"

In view of the above, it is the opinion of this department that the records of a local registrar are public records and are open to inspection to any person who has a proper interest therein. A person has no right to inspect such records for the gratification of mere curiosity or for the purpose of creating public scandal.

Yours very truly,

APPROVED:

J. E. TAYLOR
Assistant Attorney-General.

JOHN W. HOFFMAN, Jr.
(Acting) Attorney-General.

JET/afj