

**Reports, Received By. Annual and Other Reports, Railroad.  
Railroads, Reports Of. Examination, Railroad Reports.**

Reports of railroad companies filed with the railroad commission, which reports are used as basis for official action, or required to be made by law or of such nature as to be placed on file as a part of the official records of the commission, are public reports and are subject to examination by the public.

June 1st, 1911.

The Railroad Commission of Montana,  
Helena, Montana.

Gentlemen:

I received your favor of the 18th ult., asking my opinion as to the right of the public to make an examination and inspection of the reports of railroad companies on file in your office.

By the provisions of Section 4395 of the Revised Codes, your board is authorized to require verified annual reports from each and every railroad owning, operating or having any line of railroad in this state, and to require reports or other information or statements at other times, when deemed necessary.

I presume the reports referred to are such as are authorized by said section of the law. If so, after such reports have been received by the commission and placed on file, any person has the right to examine the same.

You suggest that these reports are in the "nature of private information for the benefit of the commission," but I can conceive of no such thing as a private report on file in a public office. It is true that in the administration of your department there might be information or reports come to you which it would not be advisable or proper for you to make public until definite action had been taken thereon. This is true as to communications made to almost any public officer, but when action has been had upon such information or report, and the same has been placed upon file, the public has a right to examine the same.

As a true criterion in determining whether a report such as you speak of is to be considered a public or private report, I will formulate the following rule for your guidance: If such a report is addressed to you officially and is to be left in your office when the personnel of the commission changes, then it constitutes a part of the files and records of your office. It might be that you are not authorized to require any railroad company to furnish the particular character of reports, but when the same are made and addressed to your commission and placed on file for the commission's use and benefit, they constitute a part of your public records.

Respectfully submitted,

ALBERT J. GALEN,

Attorney General.