

Opinion No. 77.**Public Welfare—County Welfare Board, journal containing minutes of meeting.**

Held: The Public Welfare journal, containing the minutes of the meeting of the Public Welfare Board, must not be accessible to members of the public except those governmental agencies, state or federal, which are seeking to render services for the benefit of recipients, and the County Welfare Board may determine in whose custody this record shall be kept in order to conform with the provisions of the law prohibiting disclosure of information.

June 24, 1943.

Mr. H. E. Herrick
County Attorney
Custer County
Miles City, Montana

Dear Mr. Herrick:

I have your request for an opinion wherein you inquire whether the public welfare journal is one of the public records of Custer County and whether it is to be kept in the county clerk's office or the public welfare office.

A portion of Section 1 of Chapter 117, laws of 1941, provides:

"The use or disclosure of information concerning applicants or recipients of old age assistance, of aid to the blind or of aid to dependent children for purposes not directly connected with the administration of these forms of assistance, shall be unlawful, and shall constitute a misdemeanor. The state department of public welfare shall adopt all rules and regulations necessary to give effect to this provision."

Pursuant to the authority vested by the quoted provision, the public welfare board has adopted regulations. Regulation No. 4610 provides information concerning public assistance applicants and recipients be safeguarded including minutes of public welfare board meetings. Information under this regulation is available to such agencies or services as: Old-Age and Survivors Insurance, Employment Services, Work Projects Administration, Agricultural Marketing

Administration, Vocational Rehabilitation Services, Medical care, Child Welfare Services, Selective Service Boards, Army and Navy Allotment and Allowance Branches, and other Welfare Agencies.

Therefore, under the law and the regulation referred to above, access to the public welfare journal cannot be afforded members of the public other than those agencies mentioned in the regulation referred to above, or similar agencies.

The county clerk and recorder is ex-officio the secretary and clerk of the county welfare board. (Subdivision C, Section 9 of Part I, Chapter 82, Laws of 1937.) Section 20 of the same part and chapter imposes upon the county department the duty of keeping records.

It is therefore the duty of the county department of public welfare of your county to keep the public welfare journal in a place where members of the public not coming within the regulation may not have access to it. The department must conform to the law with regard to the disclosure of information and it is for the public welfare board to determine in whose custody the journals shall be kept in order best to serve the purposes of the board and at the same time observe the command of the law.

Sincerely yours,
R. V. BOTTOMLY
Attorney General