

Opinion No. 23-3722

July 27, 1923

BY: MILTON J. HELMICK, Attorney General

TO: Requested by: J. B. Robertson, Secretary Sheep Sanitary Board, Albuquerque, New Mexico.

Records of Secretary of Sheep Sanitary Board are Public Records and Open to Inspection.

OPINION

{*73} This inquiry arises upon the following facts:

An agent of the Income Tax Division of the Internal Revenue Department of the United States desires information from the Sheep Sanitary Board as to the number of sheep shipped by an individual in a certain year and the Secretary of the board wishes to be advised {*74} whether or not he is permitted to furnish the information without an order from the owner of the sheep.

It might be mentioned at the outset that the Federal Agent is requesting something of a state agency which his own department will not reciprocate. No information can be had from the Internal Revenue Department regarding the property of individuals. However, this circumstance cuts no figure in the legal aspects of the inquiry.

I find under Section 175 of the New Mexico Code of 1915 that the Secretary of the Sheep Sanitary Board is specifically directed to make and keep a record of the number of sheep shipped out of the state. The Secretary of the board is located in a permanent office place and is furnished with all necessary equipment to keep the records which the law requires him to keep. I do not find any prohibition in the statutes of New Mexico against the Secretary revealing the contents of any of his records. I think that the records of the Secretary of the Sheep Sanitary Board are clearly public records and hence are necessarily open to the inspection of anyone. I do not think the Secretary is required to gather or correlate the information requested by the Federal Agent or do anything more than to permit the Federal Agent access to the records.