



STATE OF KANSAS

*Office of the Attorney General*

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CURT T. SCHNEIDER  
*Attorney General*

June 10, 1975

ATTORNEY GENERAL OPINION NO. 75-248

Mr. Stephen W. Johnson  
County Attorney  
Office of the County Attorney  
Marion County Courthouse  
P.O. Box 126  
Marion, Kansas 66861

RE: Laws, Journals, and Public Information--Records Open to  
Public--Official Public Records Open to Inspection;  
Exceptions.

Synopsis: The open record statute, K.S.A. 45-201, does not  
apply to sheriff and police dispatchers' logs, as  
said logs are not required by law to be maintained.

Dear Mr. Johnson:

You have requested our opinion as to whether K.S.A. 45-201,  
relating to those public records open to inspection, is applicable  
to sheriff and police dispatchers' logs.

You point out that certain parties in your county are of the  
opinion that the logs are required to be kept by FCC regulations,  
in particular part 89(A) Sec. 89.175 of the Code of Federal  
Regulations.

K.S.A. 45-201 states:

"Official public records open to inspection;  
exceptions. All official public records of the  
state, counties, municipalities, townships, school  
districts, commissions, agencies and legislative  
bodies, which records by law are required to be kept  
and maintained, except those of the juvenile court  
which shall be open unless specifically closed by the  
judge or by law, adoption records, records of the  
birth of illegitimate children, and records specifically  
closed by law or by directive authorized by law, shall  
at all times be open for a personal inspection by  
any citizen, and those in charge of such records shall  
not refuse this privilege to any citizen. [L. 1957,  
ch. 455, §1; June 29.] "

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Therefore, unless the records are required by law to be kept and maintained, you may lawfully refuse to allow their inspection.

The pertinent federal regulation, 47 C.F.R. 89.175, states:

"Each licensee of a station in these services shall maintain records in accordance with the following:  
(a) For all stations, the results and dates of the transmitter measurements required by these rules and the name of the person or persons making the measurements. (b) For all stations, when service or maintenance duties are performed, the responsible operator shall sign and date an entry in the station record giving:  
(1) Pertinent details of all duties performed by him or under his supervision.  
(2) His name and address, and  
(3) The class, serial number and expiration date of his license: Provided, that the information called for by subparagraphs (2) and (3) of this paragraph so long as it remains the same, need be entered only once in the station record at any station where the responsible operator is regularly employed on a full time basis and at which his license is properly posted.

\* \* \* \*

It is our opinion that this regulation refers only to maintenance and testing of the licensee's transmitter. The regulation does not refer to any records which the dispatcher may keep.

Therefore, since the logs are not required by law to be kept, K.S.A. 45-201 is not applicable, and the records and logs may be withheld from public inspection.

Yours very truly,

  
CURT T. SCHNEIDER  
Attorney General

CTS/GFW/cgm