

# County attorney won't release Snipes' records without approval

By ANNA THIBODEAUX

Staff Writer

TUSCALOOSA — State law and an Alabama attorney general's opinion say government employees' personnel records — except for sensitive material such as medical records and W-2 forms — are open to public scrutiny. But a county attorney won't release any of Farrington Snipes' records without the County Commission's approval.

The Tuscaloosa News has requested records for Snipes, who is county planning director, that would indicate whether he has used any vacation time, personal leave or sick time dur-

ing the past several months.

In addition to his full-time county job, Snipes has a private business, Community Planners, that landed a \$35,000 contract in November to administer the city of Northport's \$50,000 sewer grant.

County attorney Barry Mullins refused to release the records until he discusses the request with county commissioners in executive session at Wednesday's meeting. He says his research suggests the records may be sensitive personnel information and therefore private. He declined to elaborate until he researches it further.

"The only reason this is taking about a week is that we

don't have a written policy on these type requests," Mullins said. "This is the first request of this nature we have ever had."

The Tuscaloosa News formally requested the information in a Dec. 22 letter to Mullins.

Probate Judge Hardy McCollum, who is chairman of the commission, has been out of town and could not be reached for comment. His secretary said McCollum would be calling in and took a message. She called back the next day and said he would return Monday.

Mullins said the county must protect employees' privacy while still providing public information to those who ask for it.

He said the law is unclear

because it does not specifically refer to sick and vacation leave. He cited a 1981 Supreme Court case, *Stone vs. Consolidated Publishing Co.*, which established exceptions to public disclosure.

However, the case also reaffirmed that public disclosure should be the general rule on these records. The opinion says the person refusing to provide the information must prove why it is an exception and should not be disclosed. "There is no clear authority requiring us to produce that type of personnel record," Mullins said. "There are clear opinions regarding similar information that we must not reveal."

He also cited the federal

Privacy Act, which allows an employee to sue the county if it releases sensitive personnel records.

However, a 1995 Alabama attorney general's opinion says public employees' personnel records are available for review, unless deemed sensitive, such as medical history or a W-2 form. It also says when personnel information is requested, the party refusing to disclose it must prove it falls under an exemption to the state Open Records Act.

A 1991 court case, *Blankenship vs. Hoover*, says the public's right to free examination of public records is the rule, except when it is purely speculative or from idle curiosity.