

12/31/97

Honorable Jim Woodward
Sheriff, Jefferson County
Melvin Bailey Justice Center
801 North 21st Street
Birmingham, Alabama 35203-0122

Pistol Permits - Public
Records - Firearms -
Licenses and Permits

Pistol permits maintained
on file in the sheriff's
office are public records.

The federal Privacy Act of
1974 applies only to fed-
eral agencies and there-
fore has no application to
information regarding pis-
tol permits on file in the
sheriff's office.

Dear Sheriff Woodward:

This opinion of the Attorney General is issued in
response to your request.

QUESTION 1

Whether pistol permits on file in
the sheriff's office are public records.

FACTS AND ANALYSIS

Section 36-12-40 of the Code of Alabama states that every citizen has "a right to inspect and take a copy of any public writing of this state . . ." ALA. CODE _ 36-12-40 (1991). A public writing has been defined as such a record as is reasonably necessary to record the business and activities required to be done or carried on by a public officer so that the status and condition of such business and activities can be known by the citizens. Stone v. Consolidated Publishing Co., 404 So.2d 678 (Ala. 1981).

This office has previously held that pistol permits kept on file in the sheriff's office are public records. Attorney General's Opinion to Honorable Dan Jones, dated April 18, 1991, A.G. No. 91-00225; Attorney General's Opinion to Honorable Tom Purvis, dated March 7, 1975. Therefore, your question is answered in the affirmative, pistol permits are public records.

CONCLUSION

Pistol permits maintained on file in the sheriff's office are public records.

QUESTION 2

Whether the Privacy Act of 1974 is violated if another person is provided with a copy of an individual's pistol permit.

FACTS AND ANALYSIS

The Privacy Act of 1974 is a federal act enacted to protect the privacy of individuals identified in information systems maintained by federal agencies. See generally 5 U.S.C. _ 522. The federal Privacy Act of 1974 applies

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only to federal agencies and therefore has no application to information regarding pistol permits on file in the sheriff's office. Attorney General's Opinion to Honorable Dan Jones, dated April 18, 1991, A.G. No. 91-00225.

CONCLUSION

The federal Privacy Act of 1974 applies only to federal agencies and therefore has no application to information regarding pistol permits on file in the sheriff's office. Attorney General's Opinion to Honorable Dan Jones, dated April 18, 1991, A.G. No. 91-00225.

I hope this opinion answers your questions. If this Office can be of further assistance, please contact Wendi M. Brown of my staff.

Sincerely,

BILL PRYOR
Attorney General
By:

JAMES R. SOLOMON, JR.
Chief, Opinions Division

BP/WMB
W/W