

**Opinion No. 43-4219**

January 30, 1943

**BY:** EDWARD P. CHASE, Attorney General

**TO:** Mrs. Jennie M. Kirby, State Director, Department of Public Welfare, Santa Fe, New Mexico

In your letter dated January 29, 1943, you state that pursuant to House Joint Resolution No. 7, providing for the investigation into the affairs of the Department of State Government, the chairman of the committee appointed to investigate the Department of Public Welfare has requested a list of all recipients of relief, with the address of the recipient and the amount of the grant. You inquire whether the Department of Public Welfare may legally release this information to the investigation committee.

Section 73-134 of the 1941 Compilation authorizes the Department to promulgate rules and regulations, to restrict the use or disclosure of information contained in the records of the Department concerning applications for, and recipients of relief to purposes **directly connected with the administration of the Public Welfare Act.**

Section 73-135 of the 1941 Compilation prohibits the disclosure of such records **for any purpose other than the administration of said act**, and provides a penalty for such disclosure. In said section a proviso is again added after the penalty for disclosure. It is stated to the effect that "nothing herein contained shall be applicable to any use of such lists, names or information for purposes directly connected with the administration of this act."

The Legislature and its legally constituted investigation committees have charge and control of the administration of the Public Welfare Act, and in their discretion may repeal or amend said act, or may provide additional revenues to be administered under said act, or decrease the budget allowances now existing. If, in the discretion of the Legislative investigating committee, certain information is required in order to determine Legislative action relative to administration of the act, I am of the opinion that such use of the records of the Department comes within the exception above noted, relative to disclosure of such records, and for that reason the Department may legally release to the investigation committee the requested lists.

Trusting that the foregoing sufficiently answers your inquiry, I am

By C. C. McCULLOH,

First Asst. Atty. General