

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI, ex rel. GREGORY F.X. DALY, in his official capacity as Collector of Revenue of the City of St. Louis, and JENNIFER M. JOYCE, in her official capacity as Circuit Attorney of the City of St. Louis,)	No. ED98789
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)	
Relators/Appellants/Cross-Respondents,)	Appeal from the Circuit Court of the City of St. Louis
)	
v.)	
)	
INFORMATION TECHNOLOGY SERVICES AGENCY OF THE CITY OF ST. LOUIS and KATHY DOERR, in her official capacity as the Custodian of Records for Information Technology Services Agency of the City of St. Louis,)	Honorable Joan L. Moriarty
)	
)	
Respondents,)	
)	
and)	
)	
ST. LOUIS POST-DISPATCH,)	
)	
Intervenor/Respondent/Cross-Appellant.)	Filed: October 15, 2013

The State of Missouri, ex rel. Gregory F.X. Daly, in his official capacity as the Collector of Revenue of the City of St. Louis (Collector) and Jennifer M. Joyce, in her official capacity as the Circuit Attorney for the City of St. Louis (Circuit Attorney) (collectively Relators) and the St. Louis Post-Dispatch (Newspaper) appeal from the June 25, 2012 Order and Judgment entered by the circuit court on Relators' Petition in Mandamus and the Counterclaim for Declaratory Judgment filed by Information Technology Services Agency of the City of St. Louis (ITSA) and Kathy Doerr, in her official capacity as the Custodian of Records for ITSA against Relators and Cross-Claim against Intervenor Newspaper.

REVERSED IN PART AND AFFIRMED IN PART.

Division Two Holds: Receipt, processing, and conversion of a public agency's employee data into a payroll form does not constitute legal control over the data for purposes of its retention under Sections 610.010(6) and 610.023.2 of the Sunshine Act, RSMo 2006. Records of a public employee's accrued sick, vacation, and compensatory leave are open records subject to disclosure under the Sunshine Law when the accrued time is redeemable by the employee in the form of a payment from public funds or convertible into money coming from the "public coffers."

Opinion by: Sherri B. Sullivan, J.
Lawrence E. Mooney, P.J., and Robert G. Dowd, Jr., J., concur.

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Christine Hodzic

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS
BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND
SHOULD NOT BE QUOTED OR CITED.**