

## Montana – State Public Record Laws

<b>Citations</b>	<p>Montana Code 2-6-101 et seq.</p> <ul style="list-style-type: none"> <li>▪ (<a href="http://leg.mt.gov/bills/mca/title_0020/chapter_0060/parts_index.html">http://leg.mt.gov/bills/mca/title_0020/chapter_0060/parts_index.html</a>)</li> </ul> <p>Notes</p> <ul style="list-style-type: none"> <li>• §2.6.101-2.6.504 has been repealed</li> </ul>
<b>Exemptions to Disclosure</b>	<ul style="list-style-type: none"> <li>• Private writings are exempt from the Public Records Act; however, “private records” are not defined. The Montana Constitution provides that no person may be deprived of the opportunity to examine documents except when the “demand of individual privacy clearly exceeds the merits of public disclosure.”</li> <li>• Legitimate trade secrets</li> <li>• General public safety</li> </ul>
<b>Access Rights</b>	<ul style="list-style-type: none"> <li>• Every citizen may inspect and copy</li> <li>• Fees must be collected in advance by secretary of state for filing and copying services, and are nonrefundable</li> <li>• Any records not constitutionally protected from disclosure, and which are in the office of any officer, are at all times during office hours open to inspection of any person</li> <li>• Fee for electronic records access can be equal to cost of electronic media used for transferring data, if requestor does not provide the media; any mainframe and mid-tier processing charges; costs for providing online computer access to requestor of it, etc.; can also be charged additional fee by dept of revenue for cost of database requested info is retrieved from</li> <li>• “Timely manner” required for request by providing the requesting individual an estimate of the time necessary to fulfill the application for the public records</li> <li>• The fee may not exceed the actual costs directly incident to fulfilling the request in the most cost-efficient and timely manner possible.</li> <li>• The fee must be documented.</li> <li>• The fee may include the time required to gather public information.</li> </ul>
<b>Destruction of Public Records</b>	<ul style="list-style-type: none"> <li>• Cannot be disposed w/o unanimous approval of State Records Committee</li> <li>• Committee may by unanimous approval establish categories of records for which approval to dispose is not required, so long as such records are still retained for their minimum retention period [2-6-212]</li> <li>• Local government records more than 10 years old, to be destroyed, notice of availability and upcoming destruction must be given to specific bodies/groups and to general public at least 180 days prior to disposal [2-6-405]</li> <li>• Can’t be destroyed unless it is first offered to the Montana historical society, the state archives, Montana public and private universities and colleges, local historical museums, local historical societies, Montana genealogical groups, and the general public. 2-6-1205, MCA</li> </ul>