



# PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY

## Summary of State Public Record Laws

September 2014

<b>Alabama – State Public Record Laws</b>	
<b>Citations</b>	Code of Alabama, Title 41, Chapter 13 and Code of Alabama, Title 36, Chapter 12, Article 3 (Section 36-12-40) ( <a href="http://alisondb.legislature.state.al.us/acas/codeofalabama/1975/coatoc.htm">http://alisondb.legislature.state.al.us/acas/codeofalabama/1975/coatoc.htm</a> )
<b>Exemptions to Disclosure</b>	Exempted records include: <ul style="list-style-type: none"> <li>• Records the disclosure of which presents potential security risks, or danger to public safety or welfare;</li> <li>• Pending criminal investigations;</li> <li>• Sensitive personnel records [e.g. personnel records with identifying information [§ 41-13-7];</li> <li>• Registration and circulation records in college and university libraries</li> </ul>
<b>Access Rights</b>	<ul style="list-style-type: none"> <li>• Burden and expense of copying the writings and taking the copies must be borne by the citizen or his or her agent as provided by law . . . or as required by such reasonable safeguards as the custodian may impose</li> <li>• Policy in favor of access</li> <li>• Every citizen</li> </ul>
<b>Destruction of Public Records</b>	<ul style="list-style-type: none"> <li>• § 41-13-5 – “insignificant” records can be destroyed, w/ authorization of Commission</li> </ul>

<b>Alaska – State Public Record Laws</b>	
<b>Citations</b>	Alaska Statutes § 40. 25.100 and Alaska Statutes Title 40, Chapter 21 ( <a href="http://www.legis.state.ak.us/basis/statutes.asp#40.25.100">http://www.legis.state.ak.us/basis/statutes.asp#40.25.100</a> and <a href="http://www.legis.state.ak.us/basis/statutes.asp#40.21.080">http://www.legis.state.ak.us/basis/statutes.asp#40.21.080</a> )
<b>Exemptions to Disclosure</b>	§ 40. 25.120 exempts: <ul style="list-style-type: none"> <li>• Records compiled for law enforcement purposes, to the extent could interfere with law enforcement proceedings;</li> <li>• Records that are proprietary, privileged or trade secrets;</li> <li>• Records subject to deliberative process privilege not automatically exempt, but defeat Public Records Act’s usual presumption of disclosure (burden shifts to requestor of the records) [Fuller v. City of Homer, 75 P.3d 1059 (2003), 113 P.3d 659 on subsequent appeal]</li> <li>• Terms of confidential agreements w/ the natural gas industry [2014 Alaska Laws Ch. 14 (S.B. 138)]</li> </ul>
<b>Access Rights</b>	<ul style="list-style-type: none"> <li>• Every person</li> <li>• Time sheets are not exempt [Alaska Wildlife Alliance v. Rue, 948 P.2d 976 (1997)]</li> <li>• Inspection during regular office hours</li> </ul>

	<ul style="list-style-type: none"> <li>• “Reasonable fees” for copies – can be increased as needed to cover expenses</li> <li>• Any electronic info in printed form must come with an explanation of any codes/symbols</li> <li>• Apply to records maintained by municipalities</li> <li>• If court finds record to be subject to deliberative process privilege, burden shifts to requestor to show public’s interest in disclosure outweighs government’s interest in confidentiality [Fuller v. City of Homer, 75 P.3d 1059 (2003), 113 P.3d 659 on subsequent appeal]</li> </ul>
<b>Destruction of Public Records</b>	<ul style="list-style-type: none"> <li>• § 40.21.080 – Records to be disposed must be routine with no legal, historical, or administrative value. Prior to disposal, must obtain approval of governing body of political subdivision, and file list of all records disposed of.</li> </ul>

## Arizona – State Public Record Laws

<b>Citations</b>	<p>Arizona Revised Statutes Title 39, Chapter 1 (ARS 39-101 – 39-221) and Arizona Revised Statutes § 15-1640</p> <p>(<a href="http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp?Title=39">http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp?Title=39</a> and <a href="http://www.azleg.state.az.us/ars/15/01640.htm">http://www.azleg.state.az.us/ars/15/01640.htm</a>)</p>
<b>Exemptions to Disclosure</b>	<p>39-125 states that public records can be withheld if they disclose the location of an archeological resource or historic place (or areas/objects that may qualify for inclusion) if such disclosure will subject such place/object at risk.</p> <p>If state can show interests in confidentiality, privacy, or best interests of the state outweigh public’s right of inspection under Public Records Law, State can properly refuse inspection (state bears burden of proof). [Scottsdale Unified School Dist. No. 48 of Maricopa County v. KPNX Broadcasting Co., 191 Ariz. 297, 955 P.2d 534 (1998)]</p> <p>AZ Rev Stat § 15-1640 states that University records are exempt from disclosure if: “1. Intellectual property that is a trade secret as defined in section 44-401 and that is contained in any of the following:</p> <ul style="list-style-type: none"> <li>(a) Unfunded grant applications or proposals</li> <li>(b) Proprietary data or research material provided to a university by a third party who has an expectation that the data or material will remain confidential. In order to qualify for the exemption prescribed in this subdivision, the intellectual property must be provided to the university pursuant to a contract executed between the third party and the university that meets all of the following requirements: <ul style="list-style-type: none"> <li>(i) The contract specifies that the intellectual property is being provided to the university and that there is a need for confidentiality.</li> <li>(ii) The contract is approved before the contract becomes effective by an official of the university who is authorized to sign research contracts.</li> <li>(iii) The contract includes the name or names of the third party, a general description of the research or other work that is the subject of the contract in a manner sufficient to provide the public with the information necessary to understand the nature of that research or other work and a statement that the intellectual property that is the subject of the contract will be conveyed by the third party to the university pursuant to the terms of the contract.</li> <li>(iv) The contract will become a public document that is subject to title 39, chapter 1, article 2 when the contract is executed.</li> </ul> </li> <li>(c) Proprietary data or research material that is developed by persons employed by a university, if the disclosure of this data or material would be contrary to the best interests of this state.</li> </ul>

<p><b>Access Rights</b></p>	<ul style="list-style-type: none"> <li>• Any person</li> <li>• Can get copies of records during office hours</li> <li>• If request, get list of records withheld and reason withheld</li> <li>• If custodian doesn't have facilities for copying, requestor shall be granted access to the records to copy them, print them, or photograph them</li> <li>• Access is deemed denied absent prompt response to request</li> <li>• Requesting party can ask trial court to perform an in-camera inspection of govt-withheld docs generated or maintained on govt-owned computer system on grounds of docs being personal, to determine whether the docs fall w/in public records law [Griffis v. Pinal County, 215 Ariz. 1, 156 P.3d 418 (2007)]</li> <li>• Legal presumption favoring disclosure – burden on State to show interests in confidentiality, privacy, or best interests of the State outweigh public's right of inspection under Public Records Law</li> <li>• Free searches for copies of public records to be used in claims against the U.S.</li> <li>• Unless State puts forward interest justifying nondisclosure, person seeking access need not demonstrate purpose access would serve. [A.H. Belo Corp. v. Mesa Police Dept. (App. Div.1 2002) 202 Ariz. 184, 42 P.3d 615, review denied.]</li> <li>• Availability of info in record by alternative means doesn't justify withholding access</li> </ul>
<p><b>Destruction of Public Records</b></p>	<ul style="list-style-type: none"> <li>• "All records made or received by public officials or employees of this state or the counties and incorporated cities and towns of this state in the course of their public duties are the property of the state." A.R.S. § 41-151.15(A).</li> <li>• Each public body and officer is responsible for preserving, maintaining, and caring for the public records within their offices. A.R.S. § 39-121.01(C).</li> <li>• Each officer and public body is required by statute to carefully secure, protect, and preserve public records from deterioration, mutilation, loss, or destruction, unless the records are disposed of pursuant to A.R.S. §§ 41-151.15 and 151.19.</li> <li>• § 41-151.15 states that records shall not be destroyed or otherwise disposed of by any agency unless it is determined by the state library that the record has no further administrative, legal, fiscal, research or historical value. A person who destroys or otherwise disposes of records without the specific authority of the state library is in violation of section 38-421.</li> <li>• § 41-151.19 states that every public officer who has public records in the public officer's custody shall consult periodically with the state library and the state library shall determine whether the records in question are of legal, administrative, historical or other value. Those records determined to be of legal, administrative, historical or other value shall be preserved. Those records determined to be of no legal, administrative, historical or other value shall be disposed of by such method as the state library may specify. A report of records destruction that includes a list of all records disposed of shall be filed at least annually with the state library on a form prescribed by the state library.</li> </ul>

<p style="text-align: center;"><b>Arkansas – State Public Record Laws</b></p>	
<p><b>Citations</b></p>	<p>Arkansas Freedom of Information Act of 1967, 25-19-101 et seq.  <a href="https://static.ark.org/eeuploads/ag/Arkansas-Freedom-of-Information-Act.pdf">https://static.ark.org/eeuploads/ag/Arkansas-Freedom-of-Information-Act.pdf</a></p>
<p><b>Exemptions to Disclosure</b></p>	<p>25-19-105(b)(5) exempts:</p> <ul style="list-style-type: none"> <li>• Unpublished drafts of judicial or quasi-judicial opinions and decisions;</li> </ul> <p>25-19-105(b)(16) and (18) exempts:</p> <ul style="list-style-type: none"> <li>• Records containing any information relating to security and or vulnerability of any public water system</li> </ul>

<b>Access Rights</b>	<ul style="list-style-type: none"> <li>• Any citizen</li> <li>• Regular business hours</li> <li>• Custodian is the one who locates the records</li> <li>• Fee that is more than \$25 may be required to be paid in advance; fee can't exceed actual costs of production, mailing, etc.</li> <li>• Commingling of exempt with non-exempt info in the record will not exempt the record from disclosure (redact the exempt and indicate how much of the record has been deleted)</li> <li>• In-camera review for records the public nature of which is disputed</li> <li>• Copies may be furnished free or at a reduced cost if custodian determines that they were requested primarily for noncommercial purposes</li> </ul>
<b>Destruction of Public Records</b>	<ul style="list-style-type: none"> <li>• E-mail messages, like paper records, must be retained and destroyed according to established records retention procedures as set forth by Arkansas and federal law.</li> <li>• Retention schedule can be found here:  <a href="http://www.dfa.arkansas.gov/offices/intergovernmentalServices/Documents/rec_retention_schedule.pdf">http://www.dfa.arkansas.gov/offices/intergovernmentalServices/Documents/rec_retention_schedule.pdf</a> </li> </ul>

## California – State Public Record Laws

<b>Citations</b>	<p>California Public Records Act, GOVT. CODE §§ 6250 - 6276.48  West's Annotated California Codes, Government Code, Title 1, Division 7, Chapter 3.5  (<a href="http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&amp;group=06001-07000&amp;file=6250-6270">http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&amp;group=06001-07000&amp;file=6250-6270</a>)</p>
<b>Exemptions to Disclosure</b>	<ul style="list-style-type: none"> <li>• §6254 states that the following records do not have to be disclosed: Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, if the public interest in withholding those records clearly outweighs the public interest in disclosure;</li> <li>• Geological and geophysical data, plant production data, and similar information relating to utility systems development, or market or crop reports, that are obtained in confidence from any person;</li> <li>• Records of Native American graves, cemeteries, and sacred places and records of Native American places, features, and objects;</li> <li>• The working papers of both public bodies at the state and local level;</li> <li>• All air pollution emission data, including those emission data which constitute trade secrets, are public records. However, data used to calculate emission data are not emission data. Data which constitute trade secrets and which are used to calculate emission data are not public records. In addition, data used to calculate the costs of obtaining emissions offsets are not public records. At the time that an air pollution control district or air quality management district issues a permit to construct to an applicant who is required to obtain offsets pursuant to district rules and regulations, data obtained from the applicant consisting of the year the offset transaction occurred, the amount of offsets purchased, by pollutant, and the total cost, by pollutant, of the offsets purchased is a public record. If an application is denied, the data shall not be a public record.</li> <li>• Trade secrets are not public records. "Trade secrets" may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it;</li> <li>• Computer software developed by a public entity is not a public record;</li> <li>• Disclosure of records that relate to archaeological site information and reports maintained by, or in</li> </ul>

	<p>the possession of, the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the Native American Heritage Commission, another state agency, or a local agency, including the records that the agency obtains through a consultation process between a California Native American tribe and a state or local agency, do not have to be disclosed;</p> <ul style="list-style-type: none"> <li>• Nothing in this chapter requires the disclosure of records that relate to volatile organic compounds or chemical substances information received or compiled by an air pollution control officer pursuant to Section 42303.2 of the Health and Safety Code.</li> <li>• California does not have a specific academic freedom exemption in the California Public Records Act. However at least one California Appeals Court, in <i>Humane Soc. of the U.S. v. Superior Ct. of Yolo County.</i>, 214 Cal. App. 4th 1233; 2013 Cal. App. LEXIS 235, justified exempting documents from public disclosure under the CPRA's provision that exempts from public disclosure any document where the public interest in nondisclosure outweighs the public interest in disclosure. The Court held that requiring disclosure of the records "would fundamentally impair the academic research process to the detriment of the public that benefits from the studies produced by that research," and that there was minimal public interest in the disclosure because all of the important information, particularly regarding methodology and results, was already available. The California court added that it was not creating a categorical "academic researcher's exemption," but emphasized that the public interest balancing had to be undertaken in every case.</li> </ul>
<b>Access Rights</b>	<ul style="list-style-type: none"> <li>• Every person</li> <li>• Office hours</li> <li>• Must be given suggestions for overcoming bases for denial of access</li> <li>• Disclosure of exempt record = waiver of exemption</li> <li>• Pretty much any air pollution records and info, except raw emissions data used to calculate such records, which constitutes trade secrets</li> <li>• Purpose for access is irrelevant</li> <li>• Entitled to response w/in 10 days, unless unusual circumstances call for extension (reasons for extension must then be provided in writing to the requestor)</li> </ul>
<b>Destruction of Public Records</b>	<ul style="list-style-type: none"> <li>• § 60201 – Legislative body can dispose of records if it determines not at all useful to anyone, and maintains list of all disposed records</li> <li>• Can destroy public records pursuant to law</li> </ul>

<b>Colorado – State Public Record Laws</b>	
<b>Citations</b>	<p>Colorado Open Records Act, C.R.S. 24-72-201 to 24-72-309  <a href="http://www.sos.state.co.us/pubs/info_center/files/CORA_Act.pdf">http://www.sos.state.co.us/pubs/info_center/files/CORA_Act.pdf</a></p>
<b>Exemptions to Disclosure</b>	<p>Public records do not include:</p> <ul style="list-style-type: none"> <li>• Work product. Work product means all intra- or inter-agency advisory or deliberative materials assembled for the benefit of elected officials, which materials express an opinion or are deliberative in nature and are communicated for the purpose of assisting such elected officials in reaching a decision within the scope of their authority. Such materials include, but are not limited to notes and memoranda that relate to or serve as background information for such decisions; preliminary drafts and discussion copies of documents that express a decision by an elected official.</li> <li>• An e-mail message must be for use in the performance of public functions or involve the receipt of public funds. A message sent in furtherance of a personal relationship does not fall within the definition. The fact that a public employee or public official sent or received a message while compensated by public funds or using publicly owned computer equipment is insufficient to make</li> </ul>

	<p>the message a "public record". Denver Publ'g Co. v. Bd. of County Comm'rs, 121 P.3d 190 (Colo. 2005).</p> <ul style="list-style-type: none"> <li>• §24-72-204 states that the custodian may deny a person's right to inspect records such as "the specific details of bona fide research projects being conducted by a state institution, including, without limitation, research projects undertaken by staff or service agencies of the general assembly or the office of the governor in connection with pending or anticipated legislation;" and</li> <li>• Trade secrets, privileged information, and confidential commercial data;</li> <li>• Records protected under the common law governmental or "deliberative process" privilege, if the material is so candid or personal that public disclosure is likely to stifle honest and frank discussion within the government;</li> <li>• Veterinary medical data, information, and records on individual animals that are owned by private individuals or business entities, but are in the custody of a veterinary medical practice or hospital, including the veterinary teaching hospital at Colorado state university, that provides veterinary medical care and treatment to animals;</li> </ul>
<b>Access Rights</b>	<ul style="list-style-type: none"> <li>• All persons</li> <li>• Custodian can make rules re: inspection that are reasonably necessary for the protection of such records and the prevention of unnecessary interference with the regular discharge of the duties of the custodian or the custodian's office</li> <li>• Reasonably prompt response to request for records (w/in 3 business days) – extenuating circumstances must be explained</li> <li>• In no event can extenuating circumstances apply to a request that relates to a single, specifically identified document.</li> <li>• Can request reasons for denial of access</li> <li>• Fees - § 24-72-205, amended by 2014 Colo. Legis. Serv. Ch. 142 (H.B. 14-1193) (WEST); can't exceed \$0.25 per page for copy of the record, or fee not to exceed actual cost of providing copy in whatever format it is provided</li> <li>• Possession by public entity doesn't render record public</li> </ul>
<b>Destruction of Public Records</b>	<p>24-80-101 et seq states that record custodians must periodically consult with the department of personnel and the attorney general of the state to determine whether the records in question are of legal, administrative, or historical value. Those that do not can be destroyed, after a list of such documents is compiled, and the custodian, department of personnel and AG certify that this law has been complied with.</p>

### Connecticut – State Public Record Laws

<b>Citations</b>	<p>Connecticut General Statutes (CGS), Chapter 14, Sec. 1-200 et seq.  <a href="http://www.cga.ct.gov/2011/pub/chap014.htm">http://www.cga.ct.gov/2011/pub/chap014.htm</a></p>
<b>Exemptions to Disclosure</b>	<p>The following records are exempt from disclosure:</p> <ul style="list-style-type: none"> <li>• Preliminary drafts or notes provided the public agency has determined that the public interest in withholding such documents clearly outweighs the public interest in disclosure;</li> <li>• Trade secrets;</li> <li>• A water company's vulnerability assessments and risk management plans, operational plans, portions of water supply plans inspection reports, technical specifications and other materials that depict or specifically describe critical water company operating facilities, collection and distribution systems or sources of supply; and</li> <li>• Preliminary draft of a memorandum, prepared by a member of the staff of a public agency, which is subject to revision prior to submission to or discussion among the members of such agency.</li> </ul>

<b>Access Rights</b>	<ul style="list-style-type: none"> <li>• Possession by public entity renders record public: “all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records” [§ 1-210]</li> <li>• All persons</li> <li>• Fee not to exceed \$0.25/page, and only include cost to agency in terms of salary, use of equipment, etc., in honoring the request. Required or permissible fees don’t have sales tax. Fees more than \$10 may be required to be paid in advance. Fees waived for indigents. If requestor uses own handheld scanner to copy the docs, agency can impose fee of not more than \$20 for each visit.</li> <li>• Right to inspect during regular office or business hours</li> <li>• Don’t need written request</li> </ul>
<b>Destruction of Public Records</b>	<ul style="list-style-type: none"> <li>• Can dispose of with approval of Public Records Administrator, according to retention schedule established by the Administrator [§ 7-109]</li> </ul>

### Delaware – State Public Record Laws

<b>Citations</b>	<p>29 Delaware Code Chapter 100  <a href="http://delcode.delaware.gov/title29/c100/">(http://delcode.delaware.gov/title29/c100/)</a></p>
<b>Exemptions to Disclosure</b>	<p>The following records are not deemed public:</p> <ul style="list-style-type: none"> <li>• Trade secrets</li> <li>• The University of Delaware and Delaware State University are explicitly exempt from the law: "Public body," "public record" and "meeting" shall not include activities of the University of Delaware and Delaware State University, except that the Board of Trustees of both universities shall be "public bodies," university documents relating to the expenditure of public funds shall be "public records," and each meeting of the full Board of Trustees of either institution shall be a "meeting." (see definition of “public body.”)</li> </ul>
<b>Access Rights</b>	<ul style="list-style-type: none"> <li>• Any citizen</li> <li>• Regular business hours</li> <li>• Reasonable access to records and reasonable facilities for copying them and reasonable access to these facilities</li> <li>• Rules and fees to be established by the public entity custodian</li> <li>• If denied access to public records/meeting, can file suit to challenge denial w/in 60 days of learning of denial, but in no event not more than 6 months following denial</li> <li>• All requests must be made in writing</li> <li>• Need not state purpose for request</li> </ul>
<b>Destruction of Public Records</b>	<ul style="list-style-type: none"> <li>• Must obtain consent from Delaware Public Archives before destroying any record. Title 29, Delaware Code, § 504.</li> </ul>

### Florida – State Public Record Laws

<b>Citations</b>	<p>Florida Statutes Ch. 119  <a href="http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;URL=0100-0199/0119/0119.html">http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;URL=0100-0199/0119/0119.html</a></p>
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<b>Exemptions to Disclosure</b>	The Florida public records law is extremely broad. Drafts, emails, and text messages can be considered records – the determining factor is the nature of the material, not its location. An email send from a persona account on a personal computer can be considered a public record if it was written in connection with official business.
<b>Access Rights</b>	<ul style="list-style-type: none"> <li>• Any person</li> <li>• Records are made public if involve use of public funds</li> <li>• If exemption is asserted, custodian needs to explain why</li> <li>• “Good faith” effort by custodian to determine existence and location of requested records</li> <li>• Fees as prescribed in Section 119.07</li> </ul>
<b>Destruction of Public Records</b>	<ul style="list-style-type: none"> <li>• Retention schedules established by the records and information management program of the Division of Library and Information Services of the Department of State</li> <li>• If record is asserted to be exempt, can’t dispose of it until at least 30 days following request for it</li> </ul>

### Georgia – State Public Record Laws

<b>Citations</b>	O.C.G.A. §§ 50-18-70 through 76 <a href="http://law.ga.gov/sites/law.ga.gov/files/imported/vgn/images/portal/cit_1210/62/51/186385699r1.pdf">http://law.ga.gov/sites/law.ga.gov/files/imported/vgn/images/portal/cit_1210/62/51/186385699r1.pdf</a>
<b>Exemptions to Disclosure</b>	<p>The following records are exempt from disclosure:</p> <ul style="list-style-type: none"> <li>• “Any trade secrets obtained from a person or business entity which are of a privileged or confidential nature and required by law to be submitted to a government agency or to data, records, or information of a proprietary nature, produced or collected by or for faculty or staff of state institutions of higher learning, or other governmental agencies, in the conduct of or as a result of, study or research on commercial, scientific, technical, or scholarly issues, whether sponsored by the institution alone or in conjunction with a governmental body or private concern, where such data, records, or information has not been publicly released, published, copyrighted, or patented.”</li> <li>• Privileged info (attorney-client)</li> <li>• Confidential attorney work product (doesn’t apply to factual findings, just the legal conclusions which are based upon them)</li> <li>• Software, but not the data generated, kept, or received using that software</li> </ul>
<b>Access Rights</b>	<ul style="list-style-type: none"> <li>• Response to request due w/in reasonable time, not to exceed 3 business days</li> <li>• Timeline must be provided where responsive records exist but are not yet available</li> <li>• Any person</li> <li>• Requests orally or in writing</li> <li>• Custodian can in its discretion provide copies, with confidential info redacted, in lieu of access</li> <li>• Enforcement provisions for noncompliance only apply if written request, not oral</li> <li>• Fees – if more than \$25, agency must inform requestor of this estimate and not produce records until requestor has agreed to pay that amount</li> <li>• Availability on public website doesn’t defeat request, if requestor wants the records in the electronic format in which they are kept</li> <li>• In-camera review by court if want to challenge nondisclosure</li> </ul>
<b>Destruction of Public Records</b>	<ul style="list-style-type: none"> <li>• Cannot dispose of records unless authorized by retention schedule</li> </ul>



## Hawaii

<b>Citations</b>	Uniform Information Practices Act (UIPA), HRS Chapter 92F ( <a href="http://oip.hawaii.gov/laws-rules-opinions/uipa/uniform-information-practices-act-uipa/">http://oip.hawaii.gov/laws-rules-opinions/uipa/uniform-information-practices-act-uipa/</a> )
<b>Exemptions to Disclosure</b>	Disclosure of the following records is not required: <ul style="list-style-type: none"> <li>• Government records that, by their nature, must be confidential in order for the government to avoid the frustration of a legitimate government function;</li> <li>• OIP guidance suggests this exemption may include: “Proprietary Information such as research methods, records and data, computer programs and software and other types of information manufactured or marketed by persons under exclusive legal right, owned by an agency or entrusted to it.”</li> </ul>
<b>Access Rights</b>	<ul style="list-style-type: none"> <li>• Any person</li> <li>• Unless request is duplicative or substantially similar in nature to an earlier request made w/in the past year which has already been responded to, and which was made by the same requestor</li> <li>• Reasonable access to facilities for duplicating records and making memoranda or abstracts</li> <li>• Agency can adopt rules to protect from damage to or loss of records, and to prevent manifestly excessive interference w/ the discharge of its other lawful responsibilities and functions</li> <li>• Regular business hours</li> </ul>
<b>Destruction of Public Records</b>	<ul style="list-style-type: none"> <li>• Need permission of comptroller per Section 94-3 to destroy public records [Section 92-31]; may be required to keep copy in archives</li> </ul>

## Idaho – State Public Record Laws

<b>Citations</b>	Idaho Code §§ 9-337 through 9-350 ( <a href="http://legislature.idaho.gov/idstat/Title9/T9CH3.htm">http://legislature.idaho.gov/idstat/Title9/T9CH3.htm</a> )
<b>Exemptions to Disclosure</b>	<p>The following records are exempt from disclosure:</p> <ul style="list-style-type: none"> <li>• Trade secrets, where a “trade secret” is defined as “information, including a formula, pattern, compilation, program, computer program, device, method, technique, process, or unpublished or in progress research that: (a) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use; and (b) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.”</li> <li>• Proprietary info</li> <li>• Records of lab results re: food quality</li> <li>• Reports identifying electrical or natural or manufactured gas consumption data for an individual customer or account</li> <li>• Voluntarily prepared environmental audits, and voluntary disclosures of info submitted on or before December 31, 1997 to an environmental agency, which are claimed to be confidential business information</li> <li>• Computer programs (but not the data they produce or store, etc.)</li> <li>• All records copied or obtained by the director of the dept. of agriculture as a result of an inspection (except records otherwise deemed not exempt from disclosure and inspection reports and determinations of compliance/noncompliance)</li> <li>• All data and info collected by the division of animal industries</li> <li>• Results of lab tests which have no known adverse impacts to human health conducted by the Idaho state dept of agriculture animal health lab, related to diagnosis of animal diseases of individual</li> </ul>

	<p>animals or herds, or samples submitted by vets or animal owners, unless the results indicate the presence of a state or federally reportable or regulated disease in animals, release is req'd by law, or test result otherwise has been identified as representing a threat to animal or human health or to the livestock industry – such determination to be made by the Idaho state dept. of agriculture or the US dept of agriculture</p> <ul style="list-style-type: none"> <li>• Academic research not yet made public</li> </ul>
<b>Access Rights</b>	<ul style="list-style-type: none"> <li>• Every person</li> <li>• Presumption of open access</li> <li>• May have to reveal identity to custodian if seeking records with personal info (show you are the subject)</li> <li>• May have to reveal to custodian if purpose is to use the record for purposes of a mailing or telephone list prohibited under Section 9-348 of the Code</li> <li>• Custodian may supervise you while you are inspecting/copying records</li> <li>• Certain fees; can be waived if show that copying records is likely to contribute significantly to the public's understanding of the operations or activities of the government; Is not primarily in the individual interest of the requester including, but not limited to, the requester's interest in litigation in which the requester is or may become a party; and will not occur if fees are charged because the requester has insufficient financial resources to pay such fees.</li> <li>• Can disclose identifying info of persons, unless prohibited by law.</li> </ul>
<b>Destruction of Public Records</b>	<ul style="list-style-type: none"> <li>• Records can only be disposed of according to that agency's retention schedule</li> </ul>

<b>Illinois – State Public Record Laws</b>	
<b>Citations</b>	<p>5 ILCS 140  <a href="http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=85&amp;ChapterID=2">http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=85&amp;ChapterID=2</a></p>
<b>Exemptions to Disclosure</b>	<p>The following records are exempt from inspection and copying:</p> <ul style="list-style-type: none"> <li>• Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated</li> <li>• Trade secrets</li> <li>• Privileged information</li> <li>• “Valuable formulae, computer geographic systems, designs, drawings and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss.” 5 ILCS 140, § 7(1)(i)</li> </ul>
<b>Access Rights</b>	<ul style="list-style-type: none"> <li>• Any person</li> <li>• Any purpose; can't be required to submit request on standard form or to specify purpose for request, except to determine whether purpose is commercial or if request for fee waiver should be granted</li> <li>• Need response within 5 business days; otherwise, constitutes denial of access; if records are eventually provided, but after the 5-day period with no response, then can't be charged any fee for the requested copies.</li> <li>• If request is for commercial purposes, agency has 21 business days to respond</li> <li>• Can't be charged fees for personnel labor, etc.; fees for paper format don't by default apply to electronic format</li> <li>• No fees for first 50 pages of black and white</li> </ul>

	<ul style="list-style-type: none"> <li>• No charge or reduced charge if requestor states specific purpose and demonstrates it to be in public interest</li> <li>• Includes any records, reports, etc. that are prepared by or for, used by, in possession of, or under control of any public body</li> <li>• Request to inspect must reasonably identify a public record, not just general data which might be gleaned</li> </ul>
<b>Destruction of Public Records</b>	<ul style="list-style-type: none"> <li>• Must submit lists or schedules of public records in custody that lack administrative, legal, or fiscal value to warrant further retention by agency, to the Commission; Commission then determines what records have no such value, nor research nor historical value, and shall authorize destruction or disposal</li> <li>• No public record shall be disposed of by any Local Records Commission on its own initiative</li> </ul>

### Indiana – State Public Record Laws

<b>Citations</b>	<p>Ind. Code §5-14-3  <a href="http://www.in.gov/legislative/ic/2010/title5/ar14/ch3.html">http://www.in.gov/legislative/ic/2010/title5/ar14/ch3.html</a></p>
<b>Exemptions to Disclosure</b>	<ul style="list-style-type: none"> <li>• Trade secrets</li> <li>• Confidential public records received from other public entities</li> <li>• “Information concerning research, including actual research documents, conducted under the auspices of a state educational institution, including information: (A) concerning any negotiations made with respect to the research; and (B) received from another party involved in the research.” Ind. Code §5-14-3-4(a)(6)</li> </ul>
<b>Access Rights</b>	<ul style="list-style-type: none"> <li>• Any person</li> <li>• Can’t be denied for failing to state purpose of request, unless otherwise required by statute</li> <li>• Agency can require request to be written/through appropriate form</li> <li>• Regular business hours</li> <li>• Agency can have rule limiting allowed uses for the requested records</li> <li>• Uniform fees for copying and for maintaining electronic map – can be waived for public interest purpose of copying, etc.</li> <li>• No fee for inspection</li> </ul>
<b>Destruction of Public Records</b>	<ul style="list-style-type: none"> <li>• Must have retention schedule approved by county commission, and requests for destruction, etc., must be submitted for approval of such disposal if not covered under approved retention schedule [5-15-6-2.5]</li> </ul>

### Iowa – State Public Record Laws

<b>Citations</b>	<p>Iowa Code Ch. 22  <a href="http://coolice.legis.iowa.gov/cool-ice/default.asp?category=billinfo&amp;service=iowacode&amp;ga=83&amp;input=22">http://coolice.legis.iowa.gov/cool-ice/default.asp?category=billinfo&amp;service=iowacode&amp;ga=83&amp;input=22</a></p>
<b>Exemptions to Disclosure</b>	<p>The following records are confidential:</p> <ul style="list-style-type: none"> <li>• Trade secrets;</li> <li>• Work product;</li> <li>• Records containing information from persons outside of government, if disclosure could discourage persons from providing the information not required by law;</li> </ul>

	<ul style="list-style-type: none"> <li>• Information concerning the nature and location of any archaeological resource or site if, in the opinion of the state archaeologist, disclosure of the information will result in unreasonable risk of damage to or loss of the resource or site where the resource is located;</li> <li>• Information concerning the nature and location of any ecologically sensitive resource or site if, in the opinion of the director of the department of natural resources after consultation with the state ecologist, disclosure of the information will result in unreasonable risk of damage to or loss of the resource or site where the resource is located.</li> </ul>
<b>Access Rights</b>	<ul style="list-style-type: none"> <li>• Every person</li> <li>• Customary office hours; if less than 30 hours per week, can inspect, etc. at any time from 9AM-12PM and 1PM-4PM Monday-Friday excluding legal holidays, unless custodian and requestor agree on a different time</li> </ul>
<b>Destruction of Public Records</b>	<ul style="list-style-type: none"> <li>• Records are the property of the state and shall not be mutilated, destroyed, removed, or disposed of, except as provided by law, rule, or policy. Iowa Code Chapter 305.</li> </ul>

### Kansas – State Public Record Laws

<b>Citations</b>	<p>Kansas Statutes Annotated, Ch. 45, Article 2  <a href="http://kansasstatutes.lesterama.org/Chapter_45/Article_2/">(http://kansasstatutes.lesterama.org/Chapter_45/Article_2/)</a></p>
<b>Exemptions to Disclosure</b>	<p>A public agency is not required to disclose:</p> <ul style="list-style-type: none"> <li>• Well samples, logs or surveys which the state corporation commission requires to be filed by persons re: drilling for exploration for oil or gas production;</li> <li>• Work product;</li> <li>• Preliminary drafts, notes, research data – exemption does NOT cover records publicly cited or identified in an open meeting or an agenda of such meeting;</li> <li>• The Act also contains a deliberative process exception, which allows an agency to withhold “[n]otes, preliminary drafts, research data in the process of analysis, unfunded grant proposals, memoranda, recommendations or other records in which opinions are expressed or policies or actions are proposed, except that this exemption shall not apply when such records are publicly cited or identified in an open meeting or in an agenda of an open meeting.” K.S.A. § 45-221(20).</li> </ul>
<b>Access Rights</b>	<ul style="list-style-type: none"> <li>• Any person</li> <li>• Suitable facilities</li> <li>• No person shall remove original copies w/o permission of custodian</li> <li>• Regular office hours, and additional hours established by agency</li> <li>• Response w/in 3 business days; detailed explanation for further delay; written statement of grounds for denial (citing specific provision of law under which access is denied)</li> <li>• Fee may be charged for providing access or furnishing copies [many states don’t charge for inspection]</li> <li>• May have to provide information to demonstrate purpose for request isn’t prohibited (selling, etc.); may need to show right of access</li> <li>• Written permission of custodian to remove original copies from office of public agency</li> <li>• Custodian can refuse access if demonstrates by preponderance of the evidence that the requests are intended to disrupt other essential functions of the agency, or the request places unreasonable burden in producing public records</li> </ul>
<b>Destruction of Public Records</b>	<ul style="list-style-type: none"> <li>• "All government records made or received by and all government records coming into the custody, control or possession of a state or local agency, in the course of its public duties, and all</li> </ul>

government records deposited in the state archives shall not be mutilated, destroyed, transferred, removed, damaged or otherwise disposed of, in whole or part, except as provided by law, or as may be authorized in the retention and disposition schedules." K.S.A. 45-403.

### Kentucky – State Public Record Laws

<b>Citations</b>	Kentucky Revised Statutes 61.870 – 61.884 ( <a href="http://www.lrc.ky.gov/Statutes/statute.aspx?id=40138">http://www.lrc.ky.gov/Statutes/statute.aspx?id=40138</a> )
<b>Exemptions to Disclosure</b>	<ul style="list-style-type: none"> <li>• Preliminary drafts</li> <li>• Work product</li> <li>• “Records confidentially disclosed to an agency and compiled and maintained for scientific research.” Kentucky ORA 61.878</li> </ul>
<b>Access Rights</b>	<ul style="list-style-type: none"> <li>• Any person</li> <li>• During regular office hours</li> <li>• Can also inspect by receiving copies through mail, upon paying all fees and cost of mailing</li> <li>• If in active use, notify requestor of when will be available</li> <li>• Also as with other states, if requestor doesn’t contact custodian, person contacted shall notify requestor of name and location of official custodian</li> <li>• Custodian can refuse access if demonstrates by clear and convincing evidence that the requests are intended to disrupt other essential functions of the agency, or the request places unreasonable burden in producing public records</li> </ul>
<b>Destruction of Public Records</b>	<ul style="list-style-type: none"> <li>• Under the terms of KRS 519.060 (1) (b), a person who “intentionally destroys, mutilates, conceals, removes, or otherwise impairs the availability of any public records” without the authority to do so is guilty of tampering with public records, a Class D felony.</li> <li>• The destruction of public records is subject to the terms of KRS 171.410-740 (the State Archives and Records Act), in conjunction with 725 KAR 1:030 (Disposal or destruction of public records; procedure).</li> </ul>

### Louisiana – State Public Record Laws

<b>Citations</b>	La.R.S. 44:1 et seq. ( <a href="http://legis.la.gov/lss/lss.asp?doc=99632">http://legis.la.gov/lss/lss.asp?doc=99632</a> )
<b>Exemptions to Disclosure</b>	<ul style="list-style-type: none"> <li>• The disclosure of proprietary and trade secret information is not required</li> </ul>
<b>Access Rights</b>	<ul style="list-style-type: none"> <li>• Any person of age of majority may inspect, copy, or reproduce; any person may obtain copy or reproduction</li> <li>• Burden of proof that not subject to inspection, copying, or reproduction is on the custodian</li> <li>• Cannot get access if you are a felony convict in custody whose request isn’t limited to grounds upon which you can get post-conviction relief; custodian can make any inquiry necessary to determine if this is the case.</li> <li>• Uniform fee schedule</li> <li>• Can be inquired re: age/identification</li> <li>• Regular office hours unless custodian agrees otherwise</li> <li>• May not have to pay or may pay less if indigent and request is for a public purpose</li> </ul>

	<ul style="list-style-type: none"> <li>• Notification of reasons for denial w/in 3 business days</li> </ul>
<b>Destruction of Public Records</b>	<ul style="list-style-type: none"> <li>• All persons and public bodies having custody or control of any public record, other than conveyance, probate, mortgage, or other permanent records required by existing law to be kept for all time, shall exercise diligence and care in preserving the public record for the period or periods of time specified for such public records in formal records retention schedules developed and approved by the state archivist and director of the division of archives, records management, and history of the Department of State. However, in all instances in which a formal retention schedule has not been executed, such public records shall be preserved and maintained for a period of at least three years from the date on which the public record was made. La. R.S. 44:36</li> </ul>

<b>Maine – State Public Record Laws</b>	
<b>Citations</b>	<p>Maine Revised Statutes, Title 1, Ch. 13  <a href="http://www.mainelegislature.org/legis/statutes/1/title1ch13sec0.html">http://www.mainelegislature.org/legis/statutes/1/title1ch13sec0.html</a></p>
<b>Exemptions to Disclosure</b>	<p>The following records are exempt:</p> <ul style="list-style-type: none"> <li>• Records, working papers, inter- and intra-office memoranda used by or prepared for faculty and administrative committees of the Marine Maritime Academy, the Maine Community College System, and the University of Maine system;</li> <li>• Work product</li> <li>• Confidential</li> <li>• Working papers (unless distributed by a member or at a public meeting of the advisory organization)</li> <li>• Privileged</li> <li>• Trade secrets</li> <li>• Research for development of processing techniques for fisheries, aquaculture and seafood processing or the design and operation of a depuration plant in the possession of the Department of Marine Resources [2014 Me. Legis. Serv. Ch. 518 (H.P. 1212) (L.D. 1689) (WEST)]</li> <li>• Interest in nondisclosure substantially outweighs public interest in disclosure</li> </ul>
<b>Access Rights</b>	<ul style="list-style-type: none"> <li>• Any person</li> <li>• Inspect for free unless cannot inspect absent record being converted or compiled</li> <li>• Right to inspect and/or copy w/in reasonable time of request</li> <li>• Reasonable (regular) office hours</li> <li>• Requests need not be in person nor in writing</li> <li>• Request w/in 5 working days</li> <li>• Within reasonable time of request, agency must provide a good faith nonbinding estimate of time w/in which agency will Denials/refusals also w/in 5 business days, written notice, and stating reasons; subject to appeal</li> <li>• Electronic format access doesn't require provision of access to computer terminal for requestor</li> <li>• Fees up to \$15/hour per request after the first hour, for staff time/actual cost of searching/retrieving/compiling requested record</li> <li>• Also charge fees for mailing, copying, or conversion, etc.</li> <li>• Only if estimate of cost is greater than \$30, must custodian inform requestor of cost before proceeding</li> <li>• Estimate of time necessary to complete request</li> <li>• Fee may be waived in whole or in part if indigent or disclosure is in public interest and not primarily in commercial interest of requestor</li> </ul>

	<ul style="list-style-type: none"> <li>• Appeal refusal, denial or failure within 30 calendar days of the receipt of the written notice of refusal, to any Superior Court within the State as a trial de novo</li> </ul>
<b>Destruction of Public Records</b>	<ul style="list-style-type: none"> <li>• No record shall be destroyed or otherwise disposed of by any official, except as provided by retention schedule.</li> </ul>

## Maryland – State Public Record Laws

<b>Citations</b>	<p>Annotated Code of Maryland State Government §10-611 et seq.  <a href="http://www.dbm.maryland.gov/eo/Documents/PublicInfoAct_AppenC.pdf">http://www.dbm.maryland.gov/eo/Documents/PublicInfoAct_AppenC.pdf</a></p>
<b>Exemptions to Disclosure</b>	<ul style="list-style-type: none"> <li>• Work product</li> <li>• Inter- and intra-office memoranda</li> <li>• Inventions owned by State public institution of higher education [unless already published; already licensed or disclosed in writing to institution for at least 4 years]</li> <li>• Confidential info</li> <li>• Trade secrets</li> <li>• Site-specific locations of certain plants, animals, or property</li> <li>• “(d)(1) Subject to paragraph (2) of this subsection, a custodian may deny inspection of a public record that contains the specific details of a research project that an institution of the State or of a political subdivision is conducting. (2) A custodian may not deny inspection of the part of a public record that gives only the name, title, expenditures, and date when the final project summary will be available,” and “(h) (1) Subject to paragraph (2) of this subsection, a custodian may deny inspection of that part of a public record that contains information disclosing or relating to an invention owned in whole or in part by a State public institution of higher education for 4 years to permit the institution to evaluate whether to patent or market the invention and pursue economic development and licensing opportunities related to the invention.” Maryland Statute 10-618-D, H</li> </ul>
<b>Access Rights</b>	<ul style="list-style-type: none"> <li>• All persons</li> <li>• At any reasonable time</li> <li>• Reasonable rules may be adopted by each custodian to govern timely production and inspection of a public record, to prevent unnecessary interference w/ official business and to protect public records</li> <li>• Records immediately available to any requestor may be designated and a list of such records maintained</li> <li>• Must be written request, unless record is listed in list maintained by custodian as available immediately upon request</li> <li>• Recipient of request, if not custodian, must notify and direct requestor to appropriate custodian w/in 10 working days of receipt of request</li> <li>• Must notify requestor of inexistence of record no more than 30 working days after request</li> <li>• Denial of access within 10 working days; include written statement giving reasons and legal authority for denial and notice of remedies for review of denial; allow inspection of any part of the record that is subject to inspection and is reasonably severable</li> <li>• Any time limit imposed above may be extended up to 30 days with consent of requestor</li> <li>• Access cannot be conditioned on identity or disclosure of purpose of request, unless requestor volunteers this info for custodian to consider in decision of whether grant of access would be contrary to public interest [4-343]</li> </ul>



	<ul style="list-style-type: none"> <li>• Fees may be waived upon request if custodian determines waiver would be in public interest</li> <li>• No fee for first 2 hours needed to search for record and prepare for inspection</li> <li>• Any reasonable fee for reproduction of record, including cost of providing facilities for reproduction, if custodian lacks such facilities [“reasonable fee” = bearing reasonable relationship to the recovery of actual costs incurred by governmental unit]</li> <li>• Public records in electronic format only if available and if such format is specifically requested</li> </ul>
<b>Destruction of Public Records</b>	<ul style="list-style-type: none"> <li>• Must offer records to the State Archivist rather than destroy, in accordance with record retention and disposal schedules</li> <li>• If Archivist declines to accept the record, agency can destroy it with written approval of Archivist</li> <li>• After disposal, must send to Archivist list of records destroyed and certificate of destruction – list will be kept by Archivist and will be available for public inspection at reasonable times. Annotated Code of Maryland State Government Article 10 § 631- 634</li> </ul>

<b>Massachusetts – State Public Record Laws</b>	
<b>Citations</b>	M.G.L. 66 § 10 et seq. ( <a href="https://malegislature.gov/Laws/GeneralLaws/PartI/TitleX/Chapter66">https://malegislature.gov/Laws/GeneralLaws/PartI/TitleX/Chapter66</a> )
<b>Exemptions to Disclosure</b>	<p>The following records are exempt:</p> <ul style="list-style-type: none"> <li>• “Policy deliberation” (for example inter-agency or intra-agency memoranda or letters relating to policy positions being developed by the agency; but this subclause shall not apply to reasonably completed factual studies or reports on which the development of such policy positions has been or may be based)</li> <li>• Notebooks and other materials prepared by an employee of the commonwealth which are personal to him and not maintained as part of the files of the governmental unit</li> <li>• Trade secrets or other proprietary information of the University of Massachusetts, including trade secrets or proprietary information provided to the University by research sponsors or private concerns</li> </ul>
<b>Access Rights</b>	<ul style="list-style-type: none"> <li>• Any person</li> <li>• At reasonable times and w/o unreasonable delay</li> <li>• One copy to be furnished upon payment of reasonable fee</li> <li>• Custodian shall respond w/in 10 days</li> <li>• Requests must be either hand-delivered or mailed via first class</li> <li>• If custodian refuses access, requestor must go to supervisor of records; if custodian doesn’t listen to supervisor, supervisor may notify Attorney General or appropriate district attorney, and court can order compliance</li> <li>• Purpose irrelevant</li> <li>• Massachusetts has strong protections against disclosure of public employee personnel info, but very weak protections against disclosure of entity business matters (strong protections for human persons, not for non-human “persons”)</li> </ul>
<b>Destruction of Public Records</b>	All records may be destroyed w/in 7 years of creation, but no such paper shall be destroyed without the written approval of the supervisor of records. M.G.L. § 8.

## Michigan – State Public Record Laws

<b>Citations</b>	MCL (Michigan Compiled Laws) Sections 15.231 -15.246 ( <a href="http://www.legislature.mi.gov/(S(fwdduxbieksz0zjse1bumt45))/mileg.aspx?page=getObject&amp;objectName=mcl-15-231&amp;highlight=freedom%20AND%20of%20AND%20information">http://www.legislature.mi.gov/(S(fwdduxbieksz0zjse1bumt45))/mileg.aspx?page=getObject&amp;objectName=mcl-15-231&amp;highlight=freedom%20AND%20of%20AND%20information</a> )
<b>Exemptions to Disclosure</b>	The following records are exempt from disclosure: <ul style="list-style-type: none"> <li>• Trade secrets</li> </ul>
<b>Access Rights</b>	<ul style="list-style-type: none"> <li>• Any person</li> <li>• Reasonable opportunity for inspection and reasonable facilities for making memoranda or abstracts from records during usual business hours</li> <li>• May make reasonable rules to protect records and prevent excessive and unreasonable interference w/ discharge of entity’s functions</li> <li>• Copies furnished upon written request</li> <li>• If fee exceeds \$50, may be required to pay no more than half of the total fee upfront as deposit</li> <li>• Search charge may be reduced or waived if custodian determines would be primarily in public interest</li> <li>• Must be written request</li> <li>• Response to request within 5 business days unless otherwise agreed to in writing; notice of denial, notice of denial in part, notice of extension for not more than 10 business days during which will respond – can’t extend response time more than once for any particular request</li> <li>• Written notice of denial must contain explanation of basis for denial under law, if the reason is based on law; certificate that record doesn’t exist, if that is the reason for denial; description of record or info on record that is separated or deleted, if record is separation or deletion is made prior to granting request; full explanation of requestor’s available remedies</li> <li>• If notice of extension, must give reasons for extension and date by which request will be granted in whole or in part, or denied</li> <li>• If separation is apparent, custodian must describe material exempted unless description would defeat purpose of exemption</li> <li>• Immediate access to certain records under the Enhanced Access to Public Records Act, w/ applicable fees</li> </ul>
<b>Destruction of Public Records</b>	<ul style="list-style-type: none"> <li>• Head of agency must maintain retention/disposal schedule listing any record maintained by the agency</li> <li>• Secretary of State has supervisory authority over Michigan Historical Commission in examination of public records of Governor which have been certified as without administrative value [Op.Atty.Gen.1983, No. 6170, p. 156, 1983 WL 174712]</li> </ul>

## Minnesota – State Public Record Laws

<b>Citations</b>	Minnesota Statutes Annotated, Data Practices (Ch. 13-13C) ( <a href="https://www.revisor.mn.gov/statutes/?id=13">https://www.revisor.mn.gov/statutes/?id=13</a> )
<b>Exemptions to Disclosure</b>	<ul style="list-style-type: none"> <li>• Proprietary info</li> <li>• Records of the University of Minnesota, Minnesota State Agriculture Society, or Minnesota Historical Society</li> <li>• Trade secrets (including records government has acquired a copyright or patent over)</li> </ul>

<b>Access Rights</b>	<ul style="list-style-type: none"> <li>• All records transferred to archives are accessible to public unless archives determines info should not be disclosed</li> <li>• May be charged fee for remote access to data where either data or access is enhanced at request of requestor</li> <li>• No requirement for recipient of request to pass along to proper custodian</li> <li>• No fee for inspection</li> <li>• “inspection” includes “printing copies” if printing copies is the only way inspection can occur</li> <li>• Full convenience and comprehensive accessibility for researchers and scholars except as otherwise expressly provided by law</li> <li>• Copies of records that have commercial value and are a substantial and discrete portion of or an entire formula, pattern, compilation, program, device, method, technique, process, database, or system developed with a significant expenditure of public funds by the government entity, the responsible authority may charge a reasonable fee for the information in addition to the costs of making and certifying the copies. Any fee charged must be clearly demonstrated by the government entity to relate to the actual development costs of the information. The responsible authority, upon the request of any person, shall provide sufficient documentation to explain and justify the fee being charged.</li> </ul>
<b>Destruction of Public Records</b>	<ul style="list-style-type: none"> <li>• §§ 138.161 through 138.22 control the disposition and destruction of public records.</li> <li>• A public officer may certify that a public record is no longer of any administrative, legal or fiscal value even though the record has not been kept the specific period of time required by a statute enacted prior to Laws 1971, c. 529 – Op.Atty.Gen., 851-f, Feb. 5, 1973</li> <li>• 138.17 – members of Records Disposition Panel vote on whether to destroy, sell, or salvage government records determined no longer to be of any value</li> <li>• Each agency must have retention and disposal schedules</li> </ul>

<b>Mississippi – State Public Record Laws</b>	
<b>Citations</b>	<p>Miss. Code, §§25-61-1, et seq.  <a href="http://www.ethics.state.ms.us/ethics/ethics.nsf/PageSection/A_records_entire_pub_rec_act/\$FILE/Public%20Records%20Act.htm?OpenElement">http://www.ethics.state.ms.us/ethics/ethics.nsf/PageSection/A_records_entire_pub_rec_act/\$FILE/Public%20Records%20Act.htm?OpenElement</a></p>
<b>Exemptions to Disclosure</b>	<p>The following records are exempt:</p> <ul style="list-style-type: none"> <li>• Public interest best served by nondisclosure;</li> <li>• Archaeological records (see § 39-7-41);</li> <li>• Attorney work product (see § 25-1-102);</li> <li>• Environmental self-evaluation reports (see § 49-2-71);</li> </ul> <p>The following records are not subject to examination or copying:</p> <ul style="list-style-type: none"> <li>• Trade secrets and confidential commercial and financial information of a proprietary nature developed by a college or university under contract with a firm, business, partnership, association, corporation, individual or other like entity shall not be subject to inspection, examination, copying or reproduction under this chapter.</li> </ul>
<b>Access Rights</b>	<ul style="list-style-type: none"> <li>• Any person</li> <li>• In accordance with “reasonable written procedures,” notice of which must be publicly given; if agency lacks written procedures, requestor’s written request must be granted within one working day; in no event can agency authorize itself to respond to request later than 7 working days</li> <li>• If records cannot be produced within 7 working days, custodian must provide written explanation</li> </ul>

	<p>as to why, and absent mutual agreement, date for production cannot be any later than 14 working days following original request</p> <ul style="list-style-type: none"> <li>• Denials must be in writing, contain statement of specific exemptions relied upon, and kept on file for at least 3 years; must be available for inspection and/or copying during regular office hours to any person upon written request</li> <li>• Fees charged must be reasonable; cannot exceed actual cost; custodians who charge unreasonable fees may be personally liable civilly for up to \$100/violation</li> <li>• Can appeal denial to chancery court; have option of first requesting opinion of Mississippi Ethics Commission on whether access is required; court can move on its own to privately view the records to aid in determination as to whether public or not</li> </ul>
<b>Destruction of Public Records</b>	<ul style="list-style-type: none"> <li>• Must have consent of director</li> <li>• Must submit lists and schedules of records proposed for disposal</li> </ul>

<b>Missouri – State Public Record Laws</b>	
<b>Citations</b>	<p>Miss. Rev. Stat. § 610.021  <a href="http://www.moga.mo.gov/statutes/C600-699/6100000021.HTM">http://www.moga.mo.gov/statutes/C600-699/6100000021.HTM</a></p>
<b>Exemptions to Disclosure</b>	<ul style="list-style-type: none"> <li>• Preliminary deliberations not retained nor presented by agency at public meeting</li> <li>• Work product</li> <li>• Confidential</li> <li>• Privileged</li> <li>• Negotiations [any minutes, voting records, etc. to be made available upon execution of agreement]</li> <li>• There may be some protection for records that relate to proprietary “scientific and technological innovations.” Miss. Rev. Stat. § 610.021(15). The Sunshine Law does provide that “public records relating to scientific and technological innovations in which the owner has a proprietary interest” may be closed. Miss. Rev. Stat. § 610.021(15).</li> </ul>
<b>Access Rights</b>	<ul style="list-style-type: none"> <li>• Any member of the public</li> <li>• Upon request, response within reasonable period of time, no more than 3 business days</li> <li>• Detailed explanation must be given re: cause of any delay and place and earliest time and date record will be available – may exceed 3 days for reasonable cause</li> <li>• Written statement of grounds for denial, citing specific provision of law (w/in 3 business days of original request)</li> <li>• Description of exempt data severed from record with exempt and nonexempt, if separation/redaction is readily apparent to requestor – unless description would defeat purpose of exemption</li> <li>• Fees for both copying and inspection access</li> <li>• Up to \$5K penalty for purposeful, up to \$1K for knowing, violation by custodian (preponderance of the evidence)</li> <li>• Good faith non-employee reporters and employee whistleblowers exempt from liability and discipline [610.028]</li> <li>• Custodian strongly encouraged, but not required, to provide online access to its records kept in electronic format</li> </ul>
<b>Destruction of Public Records</b>	<ul style="list-style-type: none"> <li>• 109.210: No records shall be destroyed or disposed of unless state records commission or local records board first determines the records have no administrative, fiscal, research, or historical value; no records can be destroyed until they meet the minimum retention period</li> </ul>

## Montana – State Public Record Laws

<b>Citations</b>	<p>Montana Code 2-6-101 et seq.  <a href="http://leg.mt.gov/bills/mca/2/6/2-6-101.htm">http://leg.mt.gov/bills/mca/2/6/2-6-101.htm</a></p>
<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> </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> </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> </ul>

## Nebraska – State Public Record Laws

<b>Citations</b>	<p>Neb. Rev. Stat. § 84-712 – 84-712.09  <a href="http://nebraskalegislature.gov/laws/statutes.php?statute=s8407012000">http://nebraskalegislature.gov/laws/statutes.php?statute=s8407012000</a></p>
<b>Exemptions to Disclosure</b>	<p>Exceptions to disclosure include:</p> <ul style="list-style-type: none"> <li>• Trade secrets</li> <li>• Work product (litigation, labor negotiations, claims, confidential communications, etc.)</li> <li>• Personally identified private citizen account info, confidential info, etc. w/ respect to public utilities</li> <li>• The law provides protection for “[t]rade secrets, academic and scientific research work which is in progress and unpublished, and other proprietary or commercial information which if released would give advantage to business competitors and serve no public purpose.” (Neb. Rev. Stat. § 84-712 – 84-712.09)</li> </ul>
<b>Access Rights</b>	<ul style="list-style-type: none"> <li>• All citizens and other persons</li> <li>• Can inspect and, if using own equipment, make copies, free of charge</li> <li>• Ordinary business hours</li> <li>• Either at premises or at mutually agreed location</li> <li>• Custodian must provide location on internet to requestor if record is available online</li> <li>• If requestor lacks reasonable access to internet, computer, etc., then custodian must produce copies for requestor</li> </ul>

	<ul style="list-style-type: none"> <li>• Fee may be charged if custodian has to make the copies, up to actual cost of making the copies available – which amounts to the additional cost for the copy, not the cost of purchasing the machine (just for the paper, toner, computer run time, etc. that was used in producing the copy)</li> <li>• Charge cannot include existing salary or pay obligations to the public officers or employees for the first 4 cumulative hours of searching, identifying, physically redacting, or copying; fee is permitted beyond 4 hours only because such a large request may cause some delay or disruption of other responsibilities of custodian. Fee cannot include charge for custodian having an attorney look to see if any of the requested records may be able to be withheld from public access</li> <li>• Fees for electronic access through a portal must be approved of</li> <li>• Written request</li> <li>• Response due w/in no more than 4 business days, including estimated cost of copies</li> <li>• If response is denial, must have info stating legal basis for denial, name of individual person responsible for decision to deny request, and notice to requestor of any rights of review; denial must be kept on file and available to any person upon request</li> <li>• If entire request can't in good faith be completed w/in 4 business days, response w/in that time must include written explanation and earliest practicable date for completion, estimate of costs, and opportunity for requestor to modify or prioritize items w/in request. Requestor has 10 business days to review request, negotiate w/ custodian to simplify or narrow it, or withdraw it; if requestor fails to respond w/in that time, custodian will not proceed to fulfill the request. The 4 business days start following the day the request is received</li> <li>• No charge for certified copies if requestor is claimant before U.S. Dept of Veterans Affairs</li> <li>• Requestor denied access can either file for speedy relief by writ of mandamus in district court, or petition Attorney General to review and determine whether entitled to disclosure and/or custodian has otherwise failed to comply with law (fees, etc.) – determination by AG w/in 15 calendar days of submission of petition; if AG agrees should be disclosed/custodian otherwise is in violation and refuses to comply with AG, requestor can then choose either to bring suit in trial court or demand in writing that AG bring suit in name of the State for same purpose (which AG will do w/in 15 calendar days of receipt of such demand); requestor has absolute right to intervene as full party in suit at any time. Court can view the records in camera prior to making decision; burden is on public body to sustain its action.</li> <li>• Any violations subject the violating official to removal or impeachment and deem him/her guilty of a Class III misdemeanor</li> </ul>
<b>Destruction of Public Records</b>	<ul style="list-style-type: none"> <li>• Each agency head is authorized to dispose of records in accordance with retention and disposition schedules which have been approved by administrator, and must report any disposition to the administrator [84-1212.02]; each schedule must be submitted by administrator to State Archivist for approval by State Archivist before administrator can approve [84-1212.01]</li> </ul>

### Nevada – State Public Record Laws

<b>Citations</b>	<p>Nevada Revised Statutes 239.001 et seq.  <a href="http://www.leg.state.nv.us/nrs/nrs-239.html">http://www.leg.state.nv.us/nrs/nrs-239.html</a></p>
<b>Exemptions to Disclosure</b>	<p>There are more than 378 exemptions to the Nevada Open Records Act, scattered throughout various laws, and convoluted (statutes incorporating other statutes incorporating yet other statutes). In addition, the legislature apparently changes these exemptions each session. Therefore, if we have a public records issue in Nevada, I recommend that the research be done at the time. At the time of this writing, the following records are exempt:</p> <ul style="list-style-type: none"> <li>• Certain confidential water and energy information: <a href="#">NRS §416.070</a>;</li> <li>• Certain hazardous and radioactive waste information: <a href="#">NRS §459.050</a>, <a href="#">§459.555</a>; and</li> </ul>

	<ul style="list-style-type: none"> <li>Trade secrets: <a href="#">NRS §586.410</a>, <a href="#">§618.365</a></li> </ul>
<b>Access Rights</b>	<ul style="list-style-type: none"> <li>Any person</li> <li>At all times during office hours</li> <li>Requestor entitled to the record in whatever medium they prefer that is a medium in which record is readily available (preference of custodian irrelevant)</li> <li>Upon request, custodian must prepare copy (can't require requestor to prepare copy him/herself)</li> <li>Privatization contracts are public records which must be open to inspection during regular business hours</li> <li>Written or oral request</li> <li>Response w/in 5 business days following date of receipt of request; if not correct custodian, provide notice and correct custodian in writing to requestor; a date of availability if not currently available; citation to specific legal authority as to why confidential if access denied</li> <li>If record has been in custodian's legal custody or control for less than 30 years, requestor can apply upon denial of access to district court for order compelling agency compliance</li> <li>Good faith disclosure or nondisclosure, custodian and employee immune from liability for damages to the requestor and/or person whom the info concerns</li> <li>Custodian can remove records if feels necessary for protection (remove them to storage); if recorder receives request for item in storage, produce microfilmed copy w/in 3 working days</li> <li>Fee cannot exceed actual cost; custodian must prepare and maintain list of all fees and post in conspicuous place at each of its offices, or instead of a list the location where such list may be obtained. Fee for copy cannot exceed 50 cents per page</li> <li>In addition to as specifically provided, custodian can waive or reduce fees if it adopts a written policy stating such and posts the policy and terms for coverage by it in a conspicuous place at each of its offices.</li> <li>Additional fee for extraordinary use of personnel or resources when required for reproduction, but must have requestor's request be in writing, and fee must be reasonable and based on cost actually incurred</li> <li>Additional fee for info from GIS</li> <li>Category C felony to steal, alter, or deface records or to remove, injure, or conceal them willfully and unlawfully</li> </ul>
<b>Destruction of Public Records</b>	<ul style="list-style-type: none"> <li>Unless schedule authorizing destruction w/o reproduction exists, ALL records must be reproduced in microfilm prior to destruction of original. Original records, by default, must always remain in existence at the least through microfilm form. [239.051]</li> <li>Committee to Approve Schedules for the Retention and Disposition of Official State Records shall review and approve/disapprove of the schedules developed by each agency</li> <li>Records transferred to State Library and Archives Administrator as obsolete become custody of Administrator, unless just submitted for safe storage (in which case constructive custody and right to control access still with submitting agency)</li> <li>Minimum periods of retention established by the Division</li> <li>State Library and Archives Administrator to establish minimum periods of retention for records of local government</li> </ul>

## New Hampshire – State Public Record Laws

<b>Citations</b>	<p>RSA 91-A  <a href="http://www.gencourt.state.nh.us/rsa/html/vi/91-a/91-a-mrg.htm">http://www.gencourt.state.nh.us/rsa/html/vi/91-a/91-a-mrg.htm</a></p>
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<b>Exemptions to Disclosure</b>	<p>The following records are exempt from disclosure:</p> <ul style="list-style-type: none"> <li>• Work papers</li> <li>• Confidential info</li> <li>• Notes/materials made for personal use and that lack official purpose (including notes and materials made prior to, during, or after a governmental proceeding)</li> <li>• Preliminary drafts/notes/memoranda/other docs</li> <li>• The Act exempts “confidential, commercial, or financial information” from disclosure “and other files whose disclosure would constitute invasion of privacy.” “The terms ‘commercial or financial’ encompass information such as ‘business sales statistics, research data, technical designs, overhead and operating costs, and information on financial condition’.” Id. at 554 (quoting Landfair v. United States Dept. of Army, 645 F. Supp. 325, 327 (D.D.C. 1986)).</li> </ul>
<b>Access Rights</b>	<ul style="list-style-type: none"> <li>• Every citizen</li> <li>• Regular business hours</li> <li>• Response due w/in 5 business days of request, and if not immediately available, give explanation and estimate of when will be available; deny in writing w/ reasons; statement of time reasonably necessary to determine whether to grant or deny request</li> <li>• If fee for copy is established by law, no additional fees/costs can be charged</li> <li>• Employment contracts = public records</li> <li>• Violations – can petition superior court for injunctive relief; reasonable attorney’s fees and costs only if court finds suit was necessary to enforce compliance; can be awarded to defendant if plaintiff’s suit was in bad faith, frivolous, unjust, vexatious, wanton, or oppressive; fees not awarded unless court finds custodian knew or should have known that the conduct was in violation or if parties by agreement provide no fees shall be paid; violation in bad faith, court will impose civil penalty between \$250 and \$2000 and reimburse agency for attorney’s fees or costs; remedial training at person’s expenses</li> <li>• Can get access to statistical tables and limited data sets for research, but only if requestor provides written details on requestor’s qualifications, purposes, etc., and signs agreement not to use or further disclose the info except as permitted by the agreement or required by law – response for such request due w/in 10 days of receipt (request must be written); denial of such request must be in writing and identify the specific criteria upon which denial is based, and/or specific state/federal law/reg prohibiting release; otherwise, agency shall provide the data or set a date on which it will be provided; fees based on cost of providing copy in format requested, and custodian must provide requestor w/ written description of basis for fee [91-A:10]</li> </ul>
<b>Destruction of Public Records</b>	<ul style="list-style-type: none"> <li>• If request denied on ground of alleged exemption, record must not be destroyed for at least 90 days, and must not be destroyed during pendency of any lawsuit challenging the denial [91-A:9]</li> <li>• RSA 33-A:3-a states that records must only be disposed of pursuant to records retention schedule</li> </ul>

### New Jersey – State Public Record Laws

<b>Citations</b>	<p>New Jersey Statutes Annotated, Title 47, Ch. 1A  <a href="http://www.state.nj.us/grc/act.html">http://www.state.nj.us/grc/act.html</a></p>
<b>Exemptions to Disclosure</b>	<ul style="list-style-type: none"> <li>• Agency deliberative material [does not include bid specifications, nor purely factual material, nor post-decisional material, nor property appraisals – if it doesn’t include deliberations occurring during decision-making process, then not included in exemption]; deliberative process exemption can be overridden if need is so compelling as to outweigh the gov’t’s interest in confidentiality (burden on requestor); initial burden for deliberative process exemption falls on the custodian to show that the records are pre-decisional and deliberative in nature, and contain opinions/</li> </ul>

	<p>recommendations/advice about governmental policies [Bozzi v. City of Atlantic City, 434 N.J.Super. 326, 84 A.3d 277 (A.D.2014)]</p> <ul style="list-style-type: none"> <li>• Trade secrets, proprietary/commercial or financial info (including data processing software obtained under licensing agreement prohibiting disclosure)</li> <li>• Privileged</li> <li>• Work product</li> <li>• “A government record shall not include, with regard to any public institution of higher education, the following information which is deemed to be privileged and confidential; Pedagogical, scholarly and/or academic research records and/or the specific details of any research project conducted under the auspices of a public higher education institution in New Jersey, including, but not limited to research, development information, testing procedures, or information regarding test participants, related to the development or testing of any pharmaceutical or pharmaceutical delivery system, except that a custodian may not deny inspection of a government record or part thereof that gives the name, title, expenditures, source and amounts of funding and date when the final project summary of any research will be available.”</li> </ul>
<p><b>Access Rights</b></p>	<ul style="list-style-type: none"> <li>• Nonprofit entities representing State’s municipalities = public entity for sake of disclosure of records [Fair Share Housing Center, Inc. v. New Jersey State League of Municipalities, 207 N.J. 489, 25 A.3d 1063 (2011)]</li> <li>• Corporate subcontractors do not qualify as public agencies subject to OPRA [Paff v. Community Education Centers, Inc., 2013 WL 6096513, Unreported (A.D.2013)]</li> <li>• Need not demonstrate any particularized public or private interest in the record</li> <li>• Any person</li> <li>• During regular business hours (or if entity is small or has small amount of assets, whichever is less of (a) at least 6 regular business hours over not less than 3 business days per week, or (b) the entity’s regularly-scheduled business hours) [47:1A-5]</li> <li>• Free access to electronic/non-print records, though can be charged for needed supplies such as computer discs</li> <li>• Fee for print copies not to exceed actual cost of duplication, and charge cannot include cost of labor or other overhead expenses unless the record cannot be copied in the ordinary means or involves an extraordinary expenditure of time and effort, in which case may be charged reasonable special service charge based upon direct actual cost of duplication, provided that if custodian is a municipality, the rates must be established in advance by ordinance; requestor must have opportunity to review and object to charge prior to it being incurred</li> <li>• Can be charged for conversion into medium not already routinely maintained or used</li> <li>• Immediate access ordinarily for records that are budgets, bills, vouchers, contracts, collective negotiations agreements, individual employment contracts, and public employee salary and overtime info</li> <li>• Records to be provided in requested medium if they exist in that medium</li> <li>• Requests must be in writing and hand-delivered, mailed, e-mailed, or otherwise conveyed to the appropriate custodian</li> <li>• If recipient of request is not custodian, must forward request to custodian or direct requestor to custodian</li> <li>• Custodian will have forms to fill out for requests, which will also have allotted spaces for the custodian to fill out re: denials, delays, reasons, etc. (in other states, this information is not conveyed through a single form that goes back and forth between the requestor and custodian)</li> <li>• Responses must be “prompt”: if record is currently available/not in storage nor archived, response due no later than 7 business days after receiving request; failure to respond in that time constitutes a denial of the request, unless requestor chose to remain anonymous and has not provided means of contact – in which case, custodian not required to respond until requestor appears before custodian seeking response.</li> </ul>

	<ul style="list-style-type: none"> <li>• If record is in storage or archived, response saying this due w/in 7 business days of request, advising when record will be made available; if record not made available by that time, access deemed denied.</li> <li>• Notice of right to challenge denials of access must be posted prominently in public view in part(s) of the office that are open to or frequented by the public, and procedure for filing appeal, etc.</li> <li>• Requestors denied access can challenge by filing an action in superior court, or filing a complaint with the Government Records Council; agency bears burden of proving denial authorized by law; requestor prevailing in any proceeding entitled to access and to reasonable attorney's fee – no fee for filing complaint</li> </ul>
<b>Destruction of Public Records</b>	<ul style="list-style-type: none"> <li>• No destruction of records, per 47:1-14</li> </ul>

<b>New Mexico – State Public Record Laws</b>	
<b>Citations</b>	Inspection of Public Records Act, 14-2-4 NMSA 1978 <a href="http://www.nmcpr.state.nm.us/info/14-2NMSA.pdf">http://www.nmcpr.state.nm.us/info/14-2NMSA.pdf</a>
<b>Exemptions to Disclosure</b>	There are no exemptions to the law of environmental concern.
<b>Access Rights</b>	<ul style="list-style-type: none"> <li>• A citizen has a fundamental right to have access to public records. The citizen's right to know is the rule, and secrecy is the exception. Where there is no contrary statute or countervailing public policy, the right to inspect public records must be freely allowed.</li> <li>• "Person" means any individual, corporation, partnership, firm, association or entity</li> <li>• A custodian receiving a written request shall permit the inspection immediately or as soon as is practicable under the circumstances, but not later than fifteen days after receiving a written request. If the inspection is not permitted within three business days, the custodian shall explain in writing when the records will be available for inspection or when the public body will respond to the request. The three-day period shall not begin until the written request is delivered to the office of the custodian.</li> <li>• May charge reasonable fees for copying the public records, but no fee can be charged for determining whether a record is subject to disclosure; may require advance payment</li> <li>• If a custodian determines that a written request is excessively burdensome or broad, an additional reasonable period of time shall be allowed to comply with the request. The custodian shall provide written notification to the requester within fifteen days of receipt of the request that additional time will be needed to respond to the written request.</li> </ul>
<b>Destruction of Public Records</b>	<p><b>“Destruction”</b> means the disposal of records of no further value by shredding, burial, pulping, electronic overwrite or some other process, resulting in the obliteration of information contained on the record.</p> <p>All public records must be held for their required retention. Destruction of these records is the responsibility of the Records Custodian and the State Records Administrator. Destruction of these records must be approved and accomplished through an approved method of destruction. The procedures for destroying public records are found in <a href="#">1.13.30 NMAC, Destruction of Public Records</a>.</p>

## New York – State Public Record Laws

<b>Citations</b>	Freedom of Information Law, Article 6, Sections 84-90 ( <a href="http://www.dos.ny.gov/coog/foil2.html">http://www.dos.ny.gov/coog/foil2.html</a> )
<b>Exemptions to Disclosure</b>	An agency may deny access to records or portions thereof that are: <ul style="list-style-type: none"> <li>• Trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise;</li> <li>• Inter-agency or intra-agency materials which are not: i. Statistical or factual tabulations or data; ii. Instructions to staff that affect the public; iii. Final agency policy or determinations; or iv. External audits, including but not limited to audits performed by the comptroller and the federal government</li> </ul>
<b>Access Rights</b>	The law explicitly states that the "public, individually and collectively and represented by a free press, should have access to the records of government."  No search fees allowed; cost cannot exceed actual copying cost; no fee waivers
<b>Destruction of Public Records</b>	"Any person who, with intent to prevent public inspection of a record pursuant to this article, willfully conceals or destroys any such record shall be guilty of a violation."  Records cannot be destroyed except in accordance with the retention schedule.

## North Carolina – State Public Record Laws

<b>Citations</b>	N.C. Gen. Stat. Chapter 132, Section 1(b) ( <a href="http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/ByChapter/Chapter_132.html">http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/ByChapter/Chapter_132.html</a> )
<b>Exemptions to Disclosure</b>	Exceptions to disclosure include: <ul style="list-style-type: none"> <li>• Attorney-client privilege;</li> <li>• Proprietary computer code;</li> <li>• Trade secrets SSNs</li> </ul>
<b>Access Rights</b>	All persons can inspect and examine records at reasonable times and under reasonable supervision. For un-certified copies, the state can charge only the actual cost of copying. No charge for search time.
<b>Destruction of Public Records</b>	"No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with G.S. 121-5 and G.S. 130A-99, without the consent of the Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or alters, defaces, mutilates or destroys it shall be guilty of a Class 3 misdemeanor and upon conviction only fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00)."

## North Dakota – State Public Record Laws

<b>Citations</b>	North Dakota Statute 44.04, 18 ( <a href="http://www.legis.nd.gov/cencode/t44c04.pdf?20140929100451">http://www.legis.nd.gov/cencode/t44c04.pdf?20140929100451</a> )
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<b>Exemptions to Disclosure</b>	<p>Exempt records include:</p> <ul style="list-style-type: none"> <li>• Trade secrets, proprietary, commercial, and financial information;</li> <li>• Computer software programs;</li> <li>• Library, archive, and museum collections, for up to 20 years after the death of the donor, per donor's wishes;</li> <li>• Attorney work product</li> </ul>
<b>Access Rights</b>	Agency can charge 25 cents per copy for regular copies; and up to \$25/hour for search time, excluding the first hour.
<b>Destruction of Public Records</b>	<p>ND Records Management Act 54-46-07.</p> <p>All records made or received by or under the authority of or coming into the custody, control, or possession of public officials of this state in the course of their public duties are the property of the state and may not be mutilated, destroyed, transferred, removed, sold, or otherwise damaged or disposed of, in whole or in part, except as provided by law. Each state agency and political subdivision of this state shall notify the state records management administrator of unlawful actions affecting records. Public records that have been unlawfully removed must be returned to the office of origin or to the state archivist. (Note that the definition of a "record" is broad, and includes anything made or received pursuant to law or in connection with the transaction of official business.)</p>

### Ohio – State Public Record Laws

<b>Citations</b>	Section 149.43 of the Ohio Revised Code (NOTE that changes to this law go into effect 3/20/15). ( <a href="http://codes.ohio.gov/orc/149.43v1">http://codes.ohio.gov/orc/149.43v1</a> )
<b>Exemptions to Disclosure</b>	<p>Exempt records include:</p> <ul style="list-style-type: none"> <li>• Hospital trade secrets;</li> <li>• Intellectual property records</li> </ul>
<b>Access Rights</b>	Any person may request records, and they must be given at cost within a reasonable period of time.
<b>Destruction of Public Records</b>	Section 149.351 prohibits the destruction or damage of records. All records are the property of the public office concerned and shall not be removed, destroyed, mutilated, transferred, or otherwise damaged or disposed of, in whole or in part, except as provided by law.

### Oklahoma – State Public Record Laws

<b>Citations</b>	Oklahoma Open Records Act, 51 O.S. 24A.1 ( <a href="http://www.odl.state.ok.us/lawinfo/docs/2006-LibraryLaws-PartE.pdf">http://www.odl.state.ok.us/lawinfo/docs/2006-LibraryLaws-PartE.pdf</a> )
<b>Exemptions to Disclosure</b>	<p>Public records do not include:</p> <ul style="list-style-type: none"> <li>• Computer software;</li> <li>• Nongovernment personal effects.</li> </ul> <p>Records exempt from disclosure include:</p> <ul style="list-style-type: none"> <li>• Records protected by attorney-client privilege</li> </ul> <p>The following records may be kept confidential:</p> <ul style="list-style-type: none"> <li>• Personal notes and personally created materials prepared as an aid to memory or research leading</li> </ul>

	<p>to the adoption of a public policy or the implementation of a public project;</p> <ul style="list-style-type: none"> <li>• Computer programs or software but not data thereon;</li> <li>• Confidential personal communications exercising constitutional rights;</li> <li>• Crop and livestock reports provided by farmers, ranchers, and agribusinesses to the extent the reports individually identify the providers;</li> <li>• Information related to research, the disclosure of which could affect the conduct or outcome of the research, the ability to patent or copyright the research, or any other proprietary rights any entity may have in the research or the results of the research;</li> <li>• Environmental agency's or public utility's vulnerability assessments of critical assets in both water and wastewater systems</li> </ul>
<b>Access Rights</b>	Records available to anyone. Agencies can charge 25 cents per page for normal copies, and not more than \$1/page for certified copies. However, if the request is solely for a commercial purpose, or would clearly cause excessive disruption of the essential functions of the public body, fees can be charged for searching and copying.
<b>Destruction of Public Records</b>	The Records Management Act, 67 O.S. 201 et seq., states that records "shall not be mutilated, destroyed, transferred, removed, altered or otherwise damaged or disposed of, in whole or in part, except as provided by law." In addition, "no state record shall be destroyed or otherwise disposed of unless it is determined by the Archives and Records Commission that the record has no further administrative, legal, fiscal, research or historical value." Nonrecords may, if not otherwise prohibited by law, be destroyed at any time by the agency in possession of such materials with the prior approval of the Administrator.

## Oregon – State Public Record Laws

<b>Citations</b>	<p>ORS 192.410 to 192.505  <a href="http://www.oregon.gov/LCD/docs/forms/statutesoninspectionofpublicrecords.pdf">http://www.oregon.gov/LCD/docs/forms/statutesoninspectionofpublicrecords.pdf</a></p>
<b>Exemptions to Disclosure</b>	<p>The following records are exempt from disclosure:</p> <ul style="list-style-type: none"> <li>• Trade secrets;</li> <li>• Location of archaeological sites or objects;</li> <li>• Threatened or endangered species locations;</li> <li>• Writings prepared by or under the direction of faculty of public educational institutions, in connection with research, until publicly released, copyrighted, or patented;</li> <li>• Computer programs.</li> </ul> <p>Other public records exempt from disclosure include:</p> <ul style="list-style-type: none"> <li>• Inter- or intra-agency communication that are pre-decisional;</li> <li>• GIS data provided by private landowners;</li> <li>• Security of electricity, gas, sewage, water, telecommunications, etc.;</li> <li>• Information reported to Oregon Health Authority.</li> </ul>
<b>Access Rights</b>	Every person has a right to inspect records. ORS 192.420(1). Only actual cost can be charged, and fees can be waived if the public interest would be served.
<b>Destruction of Public Records</b>	<p>The decision as to what records are retained or destroyed is a matter of statewide public policy. ORS 192.001</p> <p>The destruction or other disposal of the following materials do not require specific authorization:</p> <p>(1) Inquiries and requests from the public and answers thereto not required by law to be preserved</p>

	<p>or not required as evidence of a public or private legal right or liability.</p> <p>(2) Public records which are duplicates by reason of their having been photocopied.</p> <p>(3) Letters of transmittal and acknowledgment, advertising, announcements and correspondence or notes pertaining to reservations of accommodations or scheduling of personal visits or appearances.</p> <p>ORS 192.170</p> <p>All other public records must be retained in accordance with a retention schedule authorized under ORS 192.018 or 192.105, without regard to the technology or medium used to create or communicate the record. ORS 192.108.</p>
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<b>Pennsylvania – State Public Record Laws</b>
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<b>Citations</b>	<p>Act 3 of 2008 (65 P.S. § 67.101 et seq.)</p> <p>(<a href="https://www.dced.state.pa.us/public/oor/pa_righttoknowlaw.pdf">https://www.dced.state.pa.us/public/oor/pa_righttoknowlaw.pdf</a>)</p>
<b>Exemptions to Disclosure</b>	<p>The following records are exempt from disclosure:</p> <ul style="list-style-type: none"> <li>• Draft of a bill, resolution, regulation, statement of policy, management directive, ordinance or amendment thereto prepared by or for an agency;</li> <li>• Inter-agency or intra-agency pre-decisional deliberations relating to a budget recommendation, legislative proposal, legislative amendment, contemplated or proposed policy or course of action or any research, memos or other documents used in the pre-decisional deliberations;</li> <li>• Strategy to be used to develop or achieve the successful adoption of a budget, legislative proposal or regulation;</li> <li>• Records that constitute or reveal a trade secret;</li> <li>• Notes and working papers prepared by or for a public official or agency employee used solely for that official's or employee's own personal use, including telephone message slips, routing slips and other materials that do not have an official purpose;</li> <li>• Unpublished lecture notes, unpublished manuscripts, unpublished articles, creative works in progress, research-related material and scholarly correspondence of a community college or an institution of the State System of Higher Education or a faculty member, staff employee, guest speaker or student thereof.</li> </ul>
<b>Access Rights</b>	<p>Section 506(a): Disruptive requests. —(1) An agency may deny a requester access to a record if the requester has made repeated requests for that same record and the repeated requests have placed an unreasonable burden on the agency.</p>
<b>Destruction of Public Records</b>	<p>Laws regarding destruction of Pennsylvania records are complicated. The Pennsylvania Historical and Museum Commission, in conjunction with the Secretary of Administration, is responsible for administering all aspects of the Commonwealth's records management program. Currently, the law is the Administrative Code of 1929, but the state has been criticized for its outmoded practices. State servers only retain deleted emails for five days, and employees are encouraged to clean out their emails every day.</p>

<b>Rhode Island – State Public Record Laws</b>
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<b>Citations</b>	<p>R.I. Gen. Laws § 38-2</p> <p>(<a href="http://webserver.rilin.state.ri.us/Statutes/title38/38-2/INDEX.HTM">http://webserver.rilin.state.ri.us/Statutes/title38/38-2/INDEX.HTM</a>)</p>
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<b>Exemptions to Disclosure</b>	The following records shall not be deemed public: <ul style="list-style-type: none"> <li>• Trade secrets;</li> <li>• Preliminary drafts, notes, impressions, memoranda, working papers, and work products.</li> </ul>
<b>Access Rights</b>	Any person can get records. Cost is 15 cents/page for normal copies; a search fee of no more than \$15/hr may be charged. If the information requested is in the public interest and is not primarily in the commercial interest of the requester, fees can be waived.
<b>Destruction of Public Records</b>	No public official may mutilate, destroy, sell, loan, or otherwise dispose of any public record without the consent of the public records administration program of the secretary of state. RIGL § 38-1-10

### South Carolina – State Public Record Laws

<b>Citations</b>	South Carolina Code of Laws § 30-4-10 et seq. ( <a href="http://www.scstatehouse.gov/CODE/T30C004.PHP">http://www.scstatehouse.gov/CODE/T30C004.PHP</a> )
<b>Exemptions to Disclosure</b>	A public body may but is not required to exempt the following records: <ul style="list-style-type: none"> <li>• Trade secrets;</li> <li>• Attorney-client privileged information;</li> <li>• Certain research data from universities. Specifically, “Data, records, or information of a proprietary nature, produced or collected by or for faculty or staff of state institutions of higher education in the conduct of or as a result of study or research on commercial, scientific, technical, or scholarly issues, whether sponsored by the institution alone or in conjunction with a governmental body or private concern, where the data, records, or information has not been publicly released, published, copyrighted, or patented “and “Any data, records, or information developed, collected, or received by or on behalf of faculty, staff, employees, or students of a state institution of higher education or any public or private entity supporting or participating in the activities of a state institution of higher education in the conduct of or as a result of study or research on medical, scientific, technical, scholarly, or artistic issues, whether sponsored by the institution alone or in conjunction with a governmental body or private entity until the information is published, patented, otherwise publicly disseminated, or released to an agency whereupon the request must be made to the agency. This item applies to, but is not limited to, information provided by participants in research, research notes and data, discoveries, research projects, proposals, methodologies, protocols, and creative works.”</li> </ul>
<b>Access Rights</b>	Any person can get records; costs cannot exceed actual costs; reasonable hourly rate allowed for collection and copying; fees can be waived if in the public interest.
<b>Destruction of Public Records</b>	§ 30-1-30 states, “A person who unlawfully removes a public record from the office where it usually is kept or alters, defaces, mutilates, secretes, or destroys it is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars nor more than five thousand dollars or imprisoned not more than thirty days.

### South Dakota – State Public Record Laws

<b>Citations</b>	S.D.C.L. 1-27-1 et seq. ( <a href="http://legis.sd.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&amp;Statute=1-27">http://legis.sd.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&amp;Statute=1-27</a> )
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<b>Exemptions to Disclosure</b>	<p>The following records are not open to disclosure:</p> <ul style="list-style-type: none"> <li>• Trade secrets;</li> <li>• The specific details of bona fide research, applied research, or scholarly or creative artistic projects being conducted at a school, postsecondary institution or laboratory funded in whole or in part by the state, and other proprietary or commercial information which if released would infringe intellectual property rights, give advantage to business competitors, or serve no material public purpose;</li> <li>• Attorney work product;</li> <li>• Personal correspondence, memoranda, notes, calendars or logs of appointments, working papers, and records of telephone calls of public officials or employees;</li> <li>• Records or portions of records kept by public bodies which would reveal the location, character, or ownership of any known archaeological, historical, or paleontological site in South Dakota if necessary to protect the site from a reasonably held fear of theft, vandalism, or trespass;</li> <li>• Records or portions of records kept by public bodies which maintain collections of archeological, historical, or paleontological significance which nongovernmental donors have requested to remain closed or which reveal the names and addresses of donors of such articles of archaeological, historical, or paleontological significance unless the donor approves disclosure;</li> <li>• Drafts, notes, recommendations, and memoranda in which opinions are expressed or policies formulated or recommended are exempt from disclosure pursuant to §§ 1-27-1 to 1-27-1.15;</li> <li>• Documents or communications used for decisional process arising from person's official duties not subject to compulsory disclosure;</li> <li>• No elected or appointed official or employee of the state or any political subdivision may be compelled to provide documents, records, or communications used for the purpose of the decisional or deliberative process relating to any decision arising from that person's official duties.</li> </ul>
<b>Access Rights</b>	<p>A reasonable fee may be charged for providing records, and such fee may include “a reasonable amount representing a portion of the amortization of the cost of computer equipment, including software.” 1-27-1.2</p>
<b>Destruction of Public Records</b>	<p>1-27-10. Records as property of state--Damage or disposal only as authorized by law. All records of public officials of this state required to be kept or maintained by law are the property of the state and may not be mutilated, destroyed, transferred, removed, or otherwise damaged or disposed of, in whole or in part, except as provided by law.</p> <p>1-27-15. Destruction of nonrecord materials. Any nonrecord material not included within the definition of records as contained in § 1-27-9 may be destroyed at any time by the agency in possession of such materials without the prior approval of the commissioner of administration.</p> <p>(Note that: 1-27 -1.1. Public records defined. Unless any other statute, ordinance, or rule expressly provides that particular information or records may not be made public, public records include all records and documents, regardless of physical form, of or belonging to this state, any county, municipality, political subdivision, or tax-supported district in this state, or any agency, branch, department, board, bureau, commission, council, subunit, or committee of any of the foregoing. Data which is a public record in its original form remains a public record when maintained in any other form.)</p>

## Tennessee – State Public Record Laws

<b>Citations</b>	<p>T.C.A. §§ 10-7-501 et seq.  <a href="https://www.comptroller.tn.gov/openrecords/pdf/Open%20Records%20draft501.pdf">https://www.comptroller.tn.gov/openrecords/pdf/Open%20Records%20draft501.pdf</a></p>
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<b>Exemptions to Disclosure</b>	<p>§ 10-7-504 states that confidential records include:</p> <ul style="list-style-type: none"> <li>• All criminal investigative files of the department of agriculture and the department of environment and conservation;</li> <li>• Health certificates, collected and maintained by the state veterinarian;</li> <li>• Computer programs, software, software manuals, and other types of information manufactured or marketed by persons or entities under legal right and sold, licensed, or donated to Tennessee state boards, agencies, or higher education institutions.</li> </ul>
<b>Access Rights</b>	Any person can request records; “reasonable” cost can be assessed;
<b>Destruction of Public Records</b>	<p>§ 10-7-509 - Disposition of records:</p> <p>(a) The disposition of all state records shall occur only through the process of an approved records disposition authorization.</p> <p>(b) Records authorized for destruction shall be disposed of according to the records disposition authorization and shall not be given to any unauthorized person, transferred to another agency, political subdivision, or private or semiprivate institution.</p>

### Texas – State Public Record Laws

<b>Citations</b>	<p>Texas Government Code, Chapter 552  <a href="http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.552.htm">http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.552.htm</a></p>
<b>Exemptions to Disclosure</b>	<p>Information excepted from disclosure includes:</p> <ul style="list-style-type: none"> <li>• Confidential information;</li> <li>• Trade secrets;</li> <li>• An interagency or intra-agency memorandum or letter that would not be available by law to a party in litigation with the agency;</li> <li>• Geological or geophysical information or data, including maps concerning wells;</li> <li>• Records created during a motor vehicle emissions inspection;</li> <li>• Certain information regarding biological agents and toxins.</li> </ul>
<b>Access Rights</b>	Non-exempt records are available to the public. Can charge costs of material, labor, and overhead, unless the request is for 50 pages or fewer in which case only the cost of copies can be charged.
<b>Destruction of Public Records</b>	<p>Sec. 552.004. PRESERVATION OF INFORMATION. A governmental body or, for information of an elective county office, the elected county officer, may determine a time for which information that is not currently in use will be preserved, subject to any applicable rule or law governing the destruction and other disposition of state and local government records or public information.</p> <p>Sec. 552.351. DESTRUCTION, REMOVAL, OR ALTERATION OF PUBLIC INFORMATION. (a) A person commits an offense if the person willfully destroys, mutilates, removes without permission as provided by this chapter, or alters public information.</p> <p>(b) An offense under this section is a misdemeanor punishable by: (1) a fine of not less than \$25 or more than \$4,000; (2) confinement in the county jail for not less than three days or more than three months; or (3) both the fine and confinement.</p>

## Utah – State Public Record Laws

<b>Citations</b>	<p>Government Records Access and Management Act (GRAMA) Title 63G, Chapter 2  <a href="http://le.utah.gov/UtahCode/section.jsp?code=63G-2">http://le.utah.gov/UtahCode/section.jsp?code=63G-2</a></p>
<b>Exemptions to Disclosure</b>	<p>63G-2-103(22)(b) states that a "record" does not mean:</p> <ul style="list-style-type: none"> <li>• A personal note or personal communication prepared or received by an employee or officer of a governmental entity;</li> <li>• A temporary draft or similar material prepared for the originator's personal use or prepared by the originator for the personal use of an individual for whom the originator is working;</li> <li>• Material that is legally owned by an individual in the individual's private capacity;</li> <li>• Material to which access is limited by the laws of copyright or patent unless the copyright or patent is owned by a governmental entity or political subdivision;</li> <li>• Proprietary software;</li> <li>• A commercial publication received by a governmental entity or an official or employee of a governmental entity;</li> <li>• A book that is cataloged, indexed, or inventoried and contained in the collections of a library open to the public;</li> <li>• Material that is cataloged, indexed, or inventoried and contained in the collections of a library open to the public, regardless of physical form or characteristics of the material;</li> <li>• A daily calendar or other personal note prepared by the originator for the originator's personal use or for the personal use of an individual for whom the originator is working;</li> <li>• A computer program that is developed or purchased by or for any governmental entity for its own use;</li> <li>• A note or internal memorandum prepared as part of the deliberative process.</li> </ul> <p>63G-2-305 states that the following records are protected from disclosure if classified properly:</p> <ul style="list-style-type: none"> <li>• Trade secrets;</li> <li>• Attorney client privileged records;</li> <li>• Records prepared for or by an attorney, consultant, surety, indemnitor, insurer, employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial, quasi-judicial, or administrative proceeding;</li> <li>• Drafts, unless otherwise classified as public;</li> <li>• Records that reveal the location of historic, prehistoric, paleontological, or biological resources that if known would jeopardize the security of those resources or of valuable historic, scientific, educational, or cultural information;</li> <li>• The following records of an institution within the state system of higher education, which have been developed, discovered, disclosed to, or received by or on behalf of faculty, staff, employees, or students of the institution: unpublished lecture notes; unpublished notes, data, and information relating to research; and of the institution within the state system of higher education or a sponsor of sponsored research; unpublished manuscripts; creative works in process; scholarly correspondence; and confidential information contained in research proposals;</li> <li>• Information regarding food security, risk, and vulnerability assessments performed by the Department of Agriculture and Food;</li> <li>• Records of the Department of Agriculture and Food that provides for the identification, tracing, or control of livestock diseases;</li> <li>• The name, home address, work addresses, and telephone numbers of an individual that is engaged in, or that provides goods or services for, medical or scientific research that is conducted within the state system of higher education, and is conducted using animals.</li> </ul>
<b>Access Rights</b>	<p>Every person has the right to inspect a public record free of charge.</p>

<b>Destruction of Public Records</b>	Records are appraised according to the following criteria: administrative, fiscal, legal and historical value. Once the value has been fulfilled, one of two things happen: the records are destroyed, or they are preserved for permanent use. Often permanent records are transferred to the Archives for access and long-term care. Before a record can be destroyed, erased, deleted, or made otherwise unavailable, a retention schedule for that record must be established and approved by the State Records Committee.
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## Vermont – State Public Record Laws

<b>Citations</b>	1 V.S.A. §§ 315-320 ( <a href="http://www.leg.state.vt.us/statutes/sections.cfm?Title=01&amp;Chapter=005">http://www.leg.state.vt.us/statutes/sections.cfm?Title=01&amp;Chapter=005</a> )
<b>Exemptions to Disclosure</b>	<p>The following records are exempt:</p> <ul style="list-style-type: none"> <li>• Confidential documents;</li> <li>• Trade secrets, including any formulae, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern, and which gives its user or owner an opportunity to obtain business advantage over competitors who do not know it or use it;</li> <li>• Records of interdepartmental and intradepartmental communications in any county, city, town, village, town school district, incorporated school district, union school district, consolidated water district, fire district, or any other political subdivision of the State to the extent that they cover other than primarily factual materials and are preliminary to any determination of policy or action or precede the presentation of the budget at a meeting;</li> <li>• Information which would reveal the location of archeological sites and underwater historic properties;</li> <li>• Any data, records, or information developed, discovered, collected, or received by or on behalf of faculty, staff, employees, or students of the University of Vermont or the Vermont State Colleges in the conduct of study, research, or creative efforts on medical, scientific, technical, scholarly, or artistic matters, whether such activities are sponsored alone by the institution or in conjunction with a governmental body or private entity, until such data, records, or information are published, disclosed in an issued patent, or publicly released by the institution or its authorized agents. This subdivision applies to research notes and laboratory notebooks, lecture notes, manuscripts, creative works, correspondence, research proposals and agreements, methodologies, protocols, and the identities of or any personally identifiable information about participants in research.</li> </ul>
<b>Access Rights</b>	<ul style="list-style-type: none"> <li>• Any person</li> <li>• Between the hours of 9 a.m. and 12 p.m., and 1 p.m. and 4 p.m., weekdays (not on holidays)</li> <li>• Can charge actual cost of copying, and the cost of staff time if it will take more than 30 minutes</li> </ul>
<b>Destruction of Public Records</b>	1 V.S.A. § 317a. Disposition of public records: A custodian of public records shall not destroy, give away, sell, discard, or damage any record or records in his or her charge, unless specifically authorized by law or under a record schedule approved by the state archivist pursuant to 3 V.S.A. § 117(a)(5).

## Virginia – State Public Record Laws

<b>Citations</b>	Code of Virginia, § 42.1-77 through 42.1-91 ( <a href="https://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+42.1-77">https://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+42.1-77</a> )
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<b>Exemptions to Disclosure</b>	<p>§ 2.2-3705.4 states that the following records are exempt:</p> <ul style="list-style-type: none"> <li>• Data, records or information of a proprietary nature produced or collected by or for faculty or staff of public institutions of higher education, other than the institutions' financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical or scholarly issues, whether sponsored by the institution alone or in conjunction with a governmental body or a private concern, where such data, records or information has not been publicly released, published, copyrighted or patented.</li> </ul> <p>In addition, the following are exempt:</p> <ul style="list-style-type: none"> <li>• Trade secrets;</li> <li>• Locations of sensitive environmental material;</li> <li>• Personal records</li> </ul>
<b>Access Rights</b>	<ul style="list-style-type: none"> <li>• Any Virginia citizen (note that the U.S. Supreme Court ruled that Virginia does not have to provide document access to out-of-state individuals)</li> <li>• No statement of purpose is necessary</li> <li>• Virginia allows fees to be charged for the cost of duplication and also for the cost of search and maintenance of equipment and databases. Advanced payment is only required of requests that will cost \$200 or more</li> </ul>
<b>Destruction of Public Records</b>	<p>§ 42.1-86.1. Disposition of public records. No agency shall sell or give away public records. No agency shall destroy or discard a public record unless (i) the record appears on a records retention and disposition schedule approved pursuant to § <a href="#">42.1-82</a> and the record's retention period has expired; (ii) a certificate of records destruction, as designated by the Librarian of Virginia, has been properly completed and approved by the agency's designated records officer; and (iii) there is no litigation, audit, investigation, request for records pursuant to the Virginia Freedom of Information Act (§ <a href="#">2.2-3700</a> et seq.), or renegotiation of the relevant records retention and disposition schedule pending at the expiration of the retention period for the applicable records series. After a record is destroyed or discarded, the agency shall forward the original certificate of records destruction to The Library of Virginia.</p>

### Washington – State Public Record Laws

<b>Citations</b>	<p>RCW 42.56  <a href="http://app.leg.wa.gov/rcw/default.aspx?cite=42.56">http://app.leg.wa.gov/rcw/default.aspx?cite=42.56</a></p>
<b>Exemptions to Disclosure</b>	<p>The following records are exempt from disclosure:</p> <ul style="list-style-type: none"> <li>• Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended are exempt under this chapter, except that a specific record is not exempt when publicly cited by an agency in connection with any agency action;</li> <li>• Archaeological sites;</li> <li>• Certain agricultural information;</li> <li>• Sensitive fish and wildlife data;</li> <li>• The following financial, commercial, and proprietary information is exempt from disclosure under this chapter: “Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;”</li> </ul>
<b>Access Rights</b>	<ul style="list-style-type: none"> <li>• Any person</li> <li>• No stated purpose necessary</li> </ul>

	<ul style="list-style-type: none"> <li>• Request must be sent by mail</li> <li>• Records available during business hours for inspection and copying</li> <li>• No fees for inspecting records, and no fees can be charged for locating records</li> <li>• Actual copy costs can be charged</li> <li>• Response must be made promptly</li> </ul>
<b>Destruction of Public Records</b>	RCW 40.14.060 states that records can only be destroyed pursuant to the retention schedule.

<b>West Virginia – State Public Record Laws</b>	
<b>Citations</b>	West Virginia Code, 29B-1 ( <a href="http://www.legis.state.wv.us/wvcode/code.cfm?chap=29b">http://www.legis.state.wv.us/wvcode/code.cfm?chap=29b</a> )
<b>Exemptions to Disclosure</b>	The following records are exempt from disclosure: <ul style="list-style-type: none"> <li>• Certain trade secrets;</li> <li>• Records, archives, documents or manuscripts describing the location of undeveloped historic, prehistoric, archaeological, paleontological and battlefield sites</li> <li>• Internal memoranda or letters received or prepared by any public body.</li> </ul>
<b>Access Rights</b>	<ul style="list-style-type: none"> <li>• Every person</li> <li>• During business hours</li> <li>• Must respond within 5 days</li> <li>• Denials must be in writing</li> <li>• Fees can only reimburse actual costs</li> </ul>
<b>Destruction of Public Records</b>	<ul style="list-style-type: none"> <li>• §61-5-22. Alteration, concealment or destruction of public record by officer; penalty. If any clerk of a court, or other public officer, fraudulently make a false entry, or erase, alter or destroy any record in his keeping and belonging to his office, or shall willfully secrete any such record from any person having the right to inspect the same, he shall be guilty of a misdemeanor, and, upon conviction, shall be confined in jail not more than one year and be fined not exceeding one thousand dollars; and, in addition thereto, he shall forfeit his office and be forever incapable of holding any office of honor, trust or profit in this state.</li> <li>• Records can be destroyed pursuant to retention schedule made by Records Management and Preservation Board</li> </ul>

<b>Wisconsin – State Public Record Laws</b>	
<b>Citations</b>	Wis. Stat. §§ 19.31 – 19.39 ( <a href="http://docs.legis.wisconsin.gov/statutes/statutes/19/11/31">http://docs.legis.wisconsin.gov/statutes/statutes/19/11/31</a> )
<b>Exemptions to Disclosure</b>	Record does not mean: <ul style="list-style-type: none"> <li>• Drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.</li> </ul>



<b>Access Rights</b>	<ul style="list-style-type: none"> <li>• Any person</li> <li>• During office hours</li> <li>• Fee may not exceed actual and direct costs of reproducing records</li> <li>• Fee waiver allowed</li> <li>• If request is oral, denial may be oral</li> </ul>
<b>Destruction of Public Records</b>	§19.21(5)(b) requires a minimum retention record of 7 years; destruction cannot violate retention schedule

## Wyoming – State Public Record Laws

<b>Citations</b>	Wyo. Stat. § 16-4-201 et seq. ( <a href="http://legisweb.state.wy.us/statutes/statutes.aspx?file=titles/Title16/T16CH4AR2.htm">http://legisweb.state.wy.us/statutes/statutes.aspx?file=titles/Title16/T16CH4AR2.htm</a> )
<b>Exemptions to Disclosure</b>	<p>Custodian may deny – on public interest grounds – requests for:</p> <ul style="list-style-type: none"> <li>• “The specific details of bona fide research projects being conducted by a state institution” including “reports prepared by the custodian funded completely from non-state sources”;</li> <li>• Interagency or intra-agency memoranda or letters which would not be available by law to a private party in litigation with the agency;</li> <li>• Trade secrets, privileged information and confidential commercial, financial, geological or geophysical data furnished by or obtained from any person;</li> <li>• Records or information relating to individual diagnoses of contagious, infectious, communicable, toxic and genetic diseases maintained or collected by the Wyoming state veterinary laboratory;</li> <li>• Information concerning an agricultural operation, farming or conservation practice, or the land itself, if the information was provided by an agricultural producer or owner of agricultural land in order to participate in a program of the state or any agency, institution or political subdivision of the state. The custodian shall also deny the right of inspection to geospatial information maintained about the agricultural land or operations;</li> <li>• If, in the opinion of the official custodian of any public record, disclosure of the contents of the record would do substantial injury to the public interest, notwithstanding the fact that the record might otherwise be available to public inspection, he may apply to the district court of the district in which the record is located for an order permitting him to restrict disclosure.</li> </ul>
<b>Access Rights</b>	<ul style="list-style-type: none"> <li>• Any person</li> <li>• No statement of purpose necessary</li> <li>• No restrictions on use</li> <li>• No specified response time</li> <li>• Fees allowed for cost of duplication</li> <li>• Fees allowed for collection and assembly</li> </ul>
<b>Destruction of Public Records</b>	<p>• 9-2-412. Destruction or disposition of public records; procedure: Public records of the state and political subdivisions shall be disposed of in accordance with W.S. 9-2-411. The records committee may approve a departmental written request upon proper and satisfactory showing that the retention of certain records for a minimum period of ten (10) years is unnecessary and uneconomical. Recommendations for the destruction or disposition of office files and memoranda shall be submitted to the records committee upon approved forms, prepared by the records officer of the agency concerned and the director. The committee shall determine the period of time that any office file or memorandum shall be preserved and may authorize the division of archives, records management and centralized microfilm to arrange for its destruction or disposition.</p>