

Regular Session, 2014

HOUSE BILL NO. 430

BY REPRESENTATIVE TIM BURNS

PUBLIC RECORDS: Creates an exception to the public records law for certain information relative to employees of certain public agencies

1 AN ACT

2 To enact R.S. 44:11(F), relative to public records; to provide for the confidentiality of
3 certain information concerning employees of certain agencies; to provide for
4 definitions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 44:11(F) is hereby enacted to read as follows:

7 §11. Confidential nature of certain personnel records; exceptions

8 * * *

9 F. Law enforcement agencies may exclude from disclosure any employment-
10 related information that will identify a particular employee. Nonidentifying
11 information of a general nature or aggregated data that does not identify a particular
12 employee may be disclosed. For the purposes of this Section, "law enforcement
13 agencies" shall include police departments and sheriffs, district attorneys, judges, and
14 their respective staffs.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Tim Burns

HB No. 430

Abstract: Provides that certain law enforcement agencies may exclude from disclosure information that will identify a particular employee.

Present law (Public Records Law, R.S. 44:1 et seq.) provides that all books, records, writings, accounts, letters and letter books, maps, drawings, photographs, cards, tapes, recordings, memoranda, and papers, and all copies, duplicates, photographs, including microfilm, or other reproductions thereof, or any other documentary materials, regardless of physical form or characteristics, including information contained in electronic data processing equipment, having been used, being in use, or prepared, possessed, or retained for use in the conduct, transaction, or performance of any business, transaction, work, duty, or function which was conducted, transacted, or performed by or under the authority of the constitution or laws of the state, or by or under the authority of any ordinance, regulation, mandate, or order of any public body or concerning the receipt or payment of any money received or paid by or under the authority of the constitution or the laws of the state are "public records". Establishes a framework for the ready availability of public records to requesting persons, and specifically provides that it is the duty of the custodian of the public records for a public entity or agency to provide copies to persons so requesting.

Present law provides for certain exceptions, exemptions, and limitations. Specifies that any exception, exemption, or limitation to the laws pertaining to public records not provided for in the Public Records Law or in the constitution shall have no effect.

Present law (R.S. 44:11) provides relative to information in the personnel records of public employees. Provides that notwithstanding the Public Records Law, the following shall be confidential:

- (1) The home telephone number of the public employee where such employee has chosen to have a private or unlisted home telephone number because of the nature of his occupation with such body.
- (2) The home telephone number of the public employee where such employee has requested that the number be confidential.
- (3) The home address of the public employee where such employee has requested that the address be confidential.
- (4) The name and account number of any financial institution to which the public employee's wages or salary are directly deposited by an electronic direct deposit payroll system or other direct deposit payroll system.
- (5) The social security number and financial institution direct deposit information as contained in the personnel records of a public employee.
- (6) All medical records, claim forms, insurance applications, requests for the payment of benefits, and all other health records of public employees, public officials, and their dependents in the personnel records of any public body.

Provides exceptions for certain information relative to employees of a city or parish school board and members of the Firefighters' Retirement System.

Proposed law retains present law and additionally provides that law enforcement agencies may exclude from disclosure any employment-related information that will identify a particular employee. Provides that nonidentifying information of a general nature or aggregated data that does not identify a particular employee may be disclosed. Provides that for the purposes of proposed law, "law enforcement agencies" shall include police departments and sheriffs, district attorneys, judges, and their respective staffs.

(Adds R.S. 44:11(F))