

NC Public Records Law

General rule of public records

- Applicability of general rule
 - Who?
 - Why?
 - What?
 - How?
- Exceptions to the general rule

General Rule

Any person has the right to inspect or obtain a copy of public records held by state and local agencies.

General Rule

“ Every custodian of public records shall permit any record... to be inspected and examined at reasonable times and under reasonable supervision by any person, and shall, as promptly as possible, furnish copies thereof....”

Applicability: Who?

GS132-2

- All state and local government agencies.
- "Custodian" means the public official in charge of an office having public records.

Destruction

GS132-3

- May not destroy, sell, loan or dispose without the consent of the Department of Cultural Resources
- A public official who does not follow law is guilty of a misdemeanor

Applicability: Why?

Agencies may not require the person requesting to disclose the purpose or the motive for the request.

What is a Public Record?

GS132-1

- Documents
- Records
- Recordings
- Items made or received pursuant to conducting public business

Applicability: What?

Most information in any form related to the transaction of public business unless specific statutory exception.

- E-mails!
- Inspection notes
- Notes taken while on the phone

Exceptions: Medical

Medical records/information

CHILD LEAD PROGRAM

FOOD BORNE ILLNESSES

HIPAA

Exceptions: Personnel

Not Confidential Information:

NAME AND AGE

DATE OF ORIGINAL
EMPLOYMENT

POSITION AND SALARY

LOCATION CURRENTLY ASSND

Exceptions: Legal GS 132-1.1

Written communications within the scope of attorney-client relationship. Exception is good for three years.

Exceptions: Confidential GS 132-1.2

- Constitutes a "trade secret"
- Disclosed in connection with a bid, proposal, or application

AND

- Designated as confidential or trade secret at time of disclosure