



State Public Records Laws

William Clark, National Conference of State Legislatures

February 2024

Today's Presentation

- What entities are covered
- Applicability to local governments
- What records are covered
- Who may make requests
- What fees may be charged
- What types of exceptions exist
- Penalties for non-compliance
- Timelines for responding to requests
- Examples of state body cam requirements

Who is covered

- Generally applicable across state and local governments
- “Officer” vs. “Public Body”
- Exceptions as a distinction

Local Government Applicability

“...any county, city, town, school district, political subdivision or tax-supported district in this state, any branch, department, board, bureau, commission, council or committee of the foregoing, and any public organization or agency, supported in whole or in part by monies from this state or any political subdivision of this state...”

Arizona

A.R.S. § 39-121.01(A)(2)

“All government data collected, created, received, maintained or disseminated by a government entity shall be public unless classified...”

““Government entity” means a state agency, statewide system, or political subdivision.”

““Political subdivision” means any county, statutory or home rule charter city, school district, special district...”

Minnesota

Minn. Stat. §§ 13.02 & 13.03

“...public records shall include all records and documents, regardless of physical form, of or belonging to this state, any county, city, village, 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.

Nebraska

Neb. Rev. Stat. §84-712.01(1)

Who may request

- “Any Person”
- No distinction as to who may request
- State citizens

Fees

- Can be set for paper or electronic formats
- Can vary by type of record (i.e. motor vehicle accident reports vs. registry of deeds)
- Some states have a fee schedule
- Additional costs may apply if extraordinary expenditures of time are required

Exemptions

- Every public records law has some exemptions for records that can or must be withheld
- Can be general or specific
- Court decisions, statutes and constitutions all impact interpretation and implementation of individual laws

Penalties for non-compliance

- Some states allow only for injunctive relief in courts
- Some states do not mention any penalties for non-compliance
- Some states have criminal and civil enforcement provisions
- Some states have penalties related to specific types of records
- Some states have an open records ombudsman to assist with disputes

Timelines

- Some states don't specify
- Some states require requests to be addressed in a “timely manner”
- Some states specify a timeline (can vary based on type of request)
- Some states have exemptions for difficult or time-consuming requests

Examples of State Body Cam Requirements

- Agencies may delay release of records during investigation
- May blur or distort images to protect privacy of depicted subjects
- May limit release if privacy can not be protected via redaction

California

Cal. Gov't Code § 7923.625

- Recordings exempt if taken in private residence or certain other locations
- Courts may determine whether to disclose a recording
- Many exemptions based on specific circumstances

Florida

Fla. Stat. § 119.071(2)(c)

- Recordings are not defined as public or personnel records
- Certain persons may request disclosure of recordings
- Recordings may be released by court order

North Carolina

N.C. G.S. § 132-1.4A

Additional NCSL Web Resources

Public Records Law and State Legislatures:

<https://www.ncsl.org/cls/public-records-law-and-state-legislatures>

Thank You

William Clark

Program Principal, Center for Legislative Strengthening

William.Clark@ncsl.org

303.856.1556