

2019 Regular Session

HOUSE BILL NO. 614 (Substitute for House Bill No. 388 by Representative Miguez)

BY REPRESENTATIVE MIGUEZ

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PUBLIC RECORDS: Exempts certain information from the Public Records Law

1 AN ACT

2 To amend and reenact R.S. 44:31.2 and 33.1 and to enact R.S. 44:4(57), relative to public
3 records; to exempt certain personal information from the Public Records Law; to
4 provide exceptions; to provide relative to the public records awareness program; to
5 provide for the content of the program; to require each public body to provide certain
6 notice to the public; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 44:31.2 and 33.1 are hereby amended and reenacted and R.S.
9 44:4(57) is hereby enacted to read as follows:

10 §4. Applicability

11 This Chapter shall not apply:

12 * * *

13 (57)(a) To the social security number, driver's license number, financial
14 institution account number, credit or debit card number, or armed forces
15 identification number of a private person who has submitted the information to a
16 public body or official.

17 (b) The provisions of Subparagraph (a) of this Paragraph shall not apply to
18 such information in records recorded in the mortgage or conveyance records, in
19 records of a court, or in marriage records.

20 * * *

1 §31.2. Public records awareness program

2 The attorney general shall establish a program for educating the general
3 public, public bodies, and custodians regarding the provisions of this Chapter. Such
4 program may include brochures, pamphlets, videos, seminars, and Internet access to
5 information which provides training on the provisions of this Chapter, including the
6 custodian's responsibilities in connection with a request for records, the possibility
7 that information submitted to a public body may become public record pursuant to
8 the provisions of this Chapter, and the right of a person to institute court proceedings
9 if access to a record is denied by the custodian.

10 * * *

11 §33.1. Custodian; contact information; notice to public

12 A. Each public body that has a custodian of public records shall make the
13 contact information of the custodian available to the public in a manner that will
14 allow a member of the public to quickly determine the appropriate person to whom
15 a public records request should be submitted, including by placing such information
16 on the internet.

17 B. Each custodian shall use reasonable means to notify the public that
18 information submitted to the public body may become public record pursuant to the
19 provisions of this Chapter.

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)]

HB 614 Engrossed 2019 Regular Session Miguez

Abstract: Provides that certain information is not subject to the Public Records Law, requires each public body to notify the public of the possibility that information submitted to the public body could become public, and provides that this possibility may be included as part of the public records awareness program.

Present law (R.S. 44:1 et seq.—Public Records Law) provides for access and retention of public records. Establishes a framework for the ready availability of public records to requesting persons.

Proposed law provides that present law does not apply to the social security number, driver's license number, financial institution account number, credit or debit card number, or armed

forces identification number of a private person who has submitted the information to a public body or official. Provides, however, that proposed law does not apply to records recorded in the mortgage or conveyance records, records of a court, or marriage records.

Present law (R.S. 44:31.2) requires the attorney general to establish a program for educating the general public, public bodies, and custodians regarding the provisions of present law (the Public Records Law). Provides that the program may include brochures, pamphlets, videos, seminars, and Internet access to information which provides training on the provisions of present law, including the custodian's responsibilities in connection with a request for records and the right of a person to institute court proceedings if access to a record is denied by the custodian.

Proposed law retains present law. Additionally provides that the possibility that information submitted to a public body may become public record may be included in the public records awareness program.

Proposed law requires each custodian to use reasonable means to notify the public that information submitted to the public body may become public record pursuant to the provisions of present law.

(Amends R.S. 44:31.2 and 33.1; Adds R.S. 44:4(57))