

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 388** HLS 19RS 100
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: April 23, 2019	4:47 PM	Author: MIGUEZ
Dept./Agy.: Statewide		Analyst: Alan M. Boxberger
Subject: Prohibits disclosure of certain personal information		

PUBLIC RECORDS OR INCREASE GF EX See Note Page 1 of 1
 Prohibits disclosure of certain personal information in public records

Proposed law provides that certain information of any person is not subject to inspection, copying, or reproduction pursuant to the provisions of the Public Records Law and requires that the custodian redact this information from a record that is to be inspected, copied or reproduced pursuant to a public records request.

EXPENDITURES	2019-20	2020-21	2021-22	2022-23	2023-24	5 -YEAR TOTAL
State Gen. Fd.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total						
REVENUES	2019-20	2020-21	2021-22	2022-23	2023-24	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

Proposed law will likely create an indeterminable, and potentially significant, increase in expenditures across multiple means of finance (denoted as SGF only in this fiscal note for simplicity). **Proposed law** provides that certain information of any person is not subject to inspection, copying, or reproduction pursuant to the provisions of the Public Records Law, including: social security number, driver's license number, financial institution account number, credit or debit card number, electronic identification number, date of birth, mother's maiden name, armed forces identification number, government issued identification number, personal telephone number, personal electronic mail address, and personal short message service number.

To estimate the potential impact of the provisions of **proposed law**, the LFO surveyed the Division of Administration, Louisiana Department of Health, Louisiana Department of Children and Family Services, and the Louisiana Department of Public Safety and Corrections - Public Safety Services (DOC-PSS), as representative large agencies that possess access to large amounts of private citizen data. The general consensus among state agencies is that the provisions of proposed law are largely adhered to currently as a matter of practice, if not law. With the exception of certain documents presented by DOC-PSS, all respondents indicated that the provisions of **proposed law** can be accomplished with existing staff and budgetary resources. Responding agencies indicated that staff within the respective legal services offices will absorb the duties of ensuring relevant information is redacted from public records.

DOC-PSS indicated that review and preparation of documents requested pursuant to Public Records Law already strains the capacity of the department's legal section, and estimates that **proposed law** will double the categories of information that will require redacting over existing requirements. DOC-PSS indicates that it will require two additional T.O. positions, one additional attorney and one paralegal, along with associated operating costs at a total projected recurring annual expenditure of \$206,176 (\$203,626 for personnel services, \$1,000 for travel, \$400 for operating services, \$550 for office supplies, and \$600 for telephone services) as well as a one-time expenditure of \$6,900 for acquisition of office furniture and data equipment. The LFO cannot determine or validate the staff level necessary for DOC-PSS to comply with the provisions of **proposed law** and the realization of an increased workload will depend on the volume of public records requests submitted to the department. To the extent the workload may be less than what DOC-PSS anticipates, the additional workload may be absorbed either wholly or partially using the existing staff and resources, or the provisions may be achievable through overtime worked by existing staff or by the use of When Actually Employed (WAE) employees.

To the extent other agencies receiving public records requests do not have sufficient staff and budgetary resources to redact information as required in **proposed law**, statewide expenditures may increase by an indeterminable but potentially significant amount.

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.

Senate Dual Referral Rules
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

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