

2024 Regular Session

HOUSE BILL NO. 268

BY REPRESENTATIVE MIKE JOHNSON

PUBLIC RECORDS: Provides relative to the confidentiality of the home address and the home or personal wireless telephone number in a public employee's personnel

1 AN ACT

2 To amend and reenact R.S. 44:11, relative to the confidentiality of personnel records; to
3 provide for the confidential nature of certain personal information in a personnel
4 record; to remove certain exceptions relative thereto; and to provide for related
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 44:11 is hereby amended and reenacted to read as follows:

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

9 A. Notwithstanding anything contained in this Chapter or any other law to
10 the contrary, the following items in the personnel records of a public employee of
11 any public body shall be confidential:

12 (1) ~~The home telephone number of the public employee where such~~
13 ~~employee has chosen to have a private or unlisted home telephone number because~~
14 ~~of the nature of his occupation with such body.~~

15 (2) The home and personal wireless telephone number of the public
16 employee ~~where such employee has requested that the number be confidential.~~

17 (3)(2) The home address of the public employee ~~where such employee has~~
18 ~~requested that the address be confidential.~~

1 ~~(4)~~ (3) The name and account number of any financial institution to which
2 the public employee's wages or salary are directly deposited by an electronic direct
3 deposit payroll system or other direct deposit payroll system.

4 B. ~~The provisions of R.S. 44:11(A)(3) shall not apply to the personnel~~
5 ~~records of a city or parish school board to the extent that the home address of any~~
6 ~~employee of a city or parish school board shall be made available to recognized~~
7 ~~educational groups.~~

8 C. Notwithstanding any other provision of this Chapter, the social security
9 number and financial institution direct deposit information as contained in the
10 personnel records of a public employee of any public body shall be confidential.
11 However, when the employee's social security number or financial institution direct
12 deposit information is required to be disclosed pursuant to any other provision of
13 law, including such purposes as child support enforcement, health insurance, and
14 retirement reporting, the social security number or financial institution direct deposit
15 information of the employee shall be disclosed pursuant to such provision of law.

16 D. C. Notwithstanding anything contained in this Chapter or any other law
17 to the contrary, all medical records, claim forms, insurance applications, requests for
18 the payment of benefits, and all other health records of public employees, public
19 officials, and their dependents in the personnel records of any public body shall be
20 confidential. However, nothing in this Chapter shall be intended to limit access to
21 employee records under the Code of Civil Procedure or Code of Evidence.

22 E. ~~The provisions of Paragraph (A)(3) of this Section shall not apply to the~~
23 ~~home address of a member of the Firefighters' Retirement System if that information~~
24 ~~is requested by a member of the Louisiana Legislature, an agency or employer~~
25 ~~reporting information to the system, or a recognized association of system members.~~

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 268 Original

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Mike Johnson

Abstract: Provides that a public employee's home address and home and personal wireless telephone number contained in the employee's personnel record are confidential and removes certain requirements and exceptions relative to that confidentiality.

Present law (Public Records Law, R.S. 44:1 et seq.) provides that all types of records, 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 (R.S. 44:11) provides that the following items in the personnel records of a public employee of any public body 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 the public 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; except (a) the home address of any employee of a city or parish school board shall be made available to recognized educational groups and (b) the home address of a member of the Firefighters' Retirement System if that information is requested by a legislator, an agency or employer reporting information to the system, or a recognized association of system members.

Proposed law provides instead that the home address and the home and personal wireless telephone number of the public employee in the personnel records of a public employee of any public body shall be confidential. Removes the requirement that the employee request the information be confidential and that the confidentiality of a private or unlisted telephone number be related to the nature of the employee's occupation. Further removes exceptions that allow the home address of any employee of a city or parish school board to be made available to recognized educational groups and the home address of a member of the Firefighters' Retirement System to be made available if requested by a legislator, an agency or employer reporting information to the system, or a recognized association of system members.

Present law further specifies that the social security number and the financial institution direct deposit information of a public employee of any public body shall be confidential, but provides that the employee's social security number or financial institution direct deposit

information shall be disclosed when any other provision of law, including such purposes as child support enforcement, health insurance, and retirement reporting, requires such disclosure. Additionally provides that medical records, claim forms, insurance applications, requests for benefits payments, and all other health records of public employees, public officials, and their dependents are confidential. Provides that nothing in the public records laws shall limit access to employee records under the Code of Civil Procedure or Code of Evidence. Proposed law retains present law.

(Amends R.S. 44:11)