

2024 Regular Session

HOUSE BILL NO. 116

BY REPRESENTATIVE MCMAKIN

1 AN ACT

2 To amend and reenact R.S. 44:11 and 32(D), relative to the confidential nature of personnel
3 records of public employees; to provide relative to a public employee's expectation
4 of privacy; to provide for the action to enforce disclosure of personnel records; to
5 provide for the confidentiality of certain information in evaluation reports; to provide
6 relative to the disclosure of the home address of certain public employees; to provide
7 for the statement of a reason for non-disclosure; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 44:11 and 32(D) are is hereby amended and reenacted to read as
10 follows:

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

12 A.(1) In addition to recognizing that it is essential to the maintenance of a
13 democratic society that public business be performed in an open and public matter
14 as provided in R.S. 44:5, the legislature further recognizes that the right of privacy
15 is limited by society's right to be informed about legitimate subjects of public
16 interest. Toward this end, a public employee's reasonable expectation of privacy as
17 it relates to his personnel records, except as provided in this Chapter, and the
18 provisions of this Chapter shall be construed to facilitate, rather than hinder, access
19 to public records.

20 (2) The personnel records of a public employee shall be public records
21 subject to disclosure in accordance with this Section. Any action to enforce this
22 Subsection shall be tried by preference and in a summary manner as provided in R.S.
23 44:35.

24 B. Notwithstanding anything contained in this Chapter or any other law to
25 the contrary, the following items in the personnel records of a public employee of
26 any public body shall be confidential:

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

4 (2) The home telephone number of the public employee where such
5 employee has requested that the number be confidential.

6 (3) The home address of the public employee where such employee has
7 requested that the address be confidential.

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

11 (5) Opinions contained in evaluation reports.

12 (6) Information required to be kept confidential pursuant to federal law.

13 (7) Information that may put the employee or another employee at risk of
14 harm.

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

19 C. Notwithstanding any other provision of this Chapter, the social security
20 number and financial institution direct deposit information as contained in the
21 personnel records of a public employee of any public body shall be confidential.
22 However, when the employee's social security number or financial institution direct
23 deposit information is required to be disclosed pursuant to any other provision of
24 law, including such purposes as child support enforcement, health insurance, and
25 retirement reporting, the social security number or financial institution direct deposit
26 information of the employee shall be disclosed pursuant to such provision of law.

27 D. Notwithstanding anything contained in this Chapter or any other law to
28 the contrary, all medical records, claim forms, insurance applications, requests for
29 the payment of benefits, and all other health records of public employees, public
30 officials, and their dependents in the personnel records of any public body shall be
31 confidential. However, nothing in this Chapter shall be intended to limit access to
32 employee records under the Code of Civil Procedure or Code of Evidence.

