

This table provides a side-by-side review of the text of the Public Records Law found in Louisiana’s Revised Statutes and what that text actually means in plain English. The comparison was prepared by The Public Law Center at Tulane University Law School and is available here as part of PAR’s work with the New Orleans Coalition on Open Governance (NOCOG) and through grants from the Open Society Foundation and the Greater New Orleans Foundation. The side-by-side was a current statement of the law when posted to PAR’s website but has not been updated to incorporate new legislation passed or judicial decisions rendered since 2012. These copyrighted materials are used here by permission of The Public Law Center and may be further used only with the written consent of The Public Law Center or in compliance with the terms of a Creative Commons license: <http://creativecommons.org/licenses/by-nc-nd/3.0/>.

	What does the law say? <sup>1</sup>	What does it mean?
44:1 <sup>2</sup>	<p><b>General Definitions</b></p> <p>A. (1) As used in this Chapter, the phrase “<b>public body</b>” means any branch, department, office, agency, board, commission, district, governing authority, political subdivision, or any committee, subcommittee, advisory board, or task force thereof, or any other instrumentality of state, parish, or municipal government, including a public or quasi-public nonprofit corporation designated as an entity to perform a governmental or proprietary function, or an affiliate of a housing authority.</p> <p>(2)(a) All books, records, writings, accounts, letters and letter books, maps, drawings, photographs, cards, tapes, recordings, memoranda, and papers, and all copies, duplicates, photographs, including microfilm, or other reproductions thereof, or any other documentary materials, regardless of physical form or characteristics, including information contained in electronic data processing equipment, having been used, being in use, or</p>	<p><b>Public body</b> includes entities at all levels of government (state, city, parish), and also includes committees, subcommittees, advisory boards, task forces, and quasi-public non-profit corporations performing a governmental function, and an affiliate of a housing authority.</p> <p><b>Public record</b> includes all documentary materials, regardless of physical form, prepared or used by public bodies for a function that is authorized by law.</p> <p><b>Public record</b> specifically includes information maintained in data</p>

<sup>1</sup> Occasional emphasis added.

<sup>2</sup> Updated: 11/30/2012. ©

	<p>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 this 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 this state, are “<b>public records</b>”, except as otherwise provided in this Chapter or the Constitution of Louisiana.</p> <p>(b) Notwithstanding Subparagraph (a), any documentary material of a security feature of a public body's electronic data processing system, information technology system, telecommunications network, or electronic security system, including hardware or software security, password, or security procedure, process, configuration, software, and code is not a “public record”.</p> <p>(3) As used in this Chapter, the word “<b>custodian</b>” means the public official or head of any public body having custody or control of a public record, or a representative specifically authorized by him to respond to requests to inspect any such public records.</p> <p><i>[B. Electrical well surveys...]</i></p>	<p>processing equipment, and has been held by the courts to include electronic records, such as email and text messages.</p> <p>The security features of an information system (such as a password or code) are not a public record.</p> <p><b>Custodian</b> is the public official with control over a public record or a person designated by the custodian to respond to public record requests.</p> <p>N.A.</p>
44:1.1	<p><b>Short title</b></p> <p>This Chapter shall be known and may be cited as the “Public Records Law”.</p>	<p>This is the Public Records Law.</p>
44:2	<p><i>[Records involved in legislative investigations]</i></p>	

44:3	<i>[Records of prosecutive, investigative, and law enforcement agencies, and communications districts]</i>	
44:3.1	<i>[Records pertaining to terrorist-related activity]</i>	
44:3.2.	<i>[Proprietary and trade secret information]</i>	
44:4	<p><b>Applicability</b> This Chapter shall not apply:</p> <p>(1) To any tax return or the information contained in any tax return. However, the name and address of any person who obtains an occupational license, the information on the face of the license, and information as to whether an occupational license has been issued to a particular person shall be public records.</p> <p>(2) <i>[records concerning old age assistance, aid to the blind, or aid to dependent children]</i></p> <p>(3) <i>[confidential records relating to business investigation, examination, management, or liquidation]</i></p> <p>(4) <i>[financial statements of a financial institution's borrowers, or other entity supervised by the office of financial institutions, investigative records of the office of financial institutions, merger approvals]</i></p> <p>(5) <i>[risk-based capital reports]</i></p> <p>(6) To any records, writings, accounts, letters, letter books, photographs, or copies or memoranda thereof in the custody or control of</p>	<p>The requirements for public disclosure do not apply to:</p> <p>Tax returns, but information contained in occupational licenses and ownership of an occupational license are a matter of public record.</p> <p>N.A.</p> <p>N.A.</p> <p>N.A.</p> <p>N.A.</p> <p>Records in the custody or control of the legislative auditor or working papers</p>

	<p>the legislative auditor, or to the actual working papers of the internal auditor of a municipality until the audit is complete, unless otherwise provided.</p> <p>(7) <i>[records concerning fitness of any person to hold a license to practice medicine or midwifery]</i></p> <p>(8) <i>[records pertaining to recoverable reserves of oil, gas or other minerals]</i></p> <p>(9) <i>[records concerning fitness of any person to hold a license to practice as a registered nurse]</i></p> <p>(10) <i>[Energy Information Administration records and records with the Department of Natural Resources]</i></p> <p>(11) <i>[records concerning fitness of any person to hold a license to practice as a dentist or dental hygienist]</i></p> <p>(12) <i>[records concerning the fitness of any person to hold a license to practice as a veterinarian]</i></p> <p>(13) <i>[records regarding broker interface system or any automated manifest system held by port commission]</i></p> <p>(14) <i>[records of the Department of Health and Human Resources pertaining to any formula, method, or process which is a trade secret]</i></p> <p>(15) To any pending claims or pending claim files in the custody or control of the office of risk management, division of administration, or similar records in the custody of any municipality or parish; to any information concerning pending</p>	<p>of the internal auditor for the duration of the audit of a city, unless otherwise provided.</p> <p>N.A.</p> <p>N.A.</p> <p>N.A.</p> <p>N.A.</p> <p>N.A.</p> <p>N.A.</p> <p>N.A.</p> <p>N.A.</p> <p>N.A.</p> <p>Pending claim files in the custody of the office of risk management of any city or parish; or pending legal claims in the files of any</p>
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<p>legal claims in the files of any attorney representing the state or any municipality in connection with the office of risk management, division of administration, or any office with similar responsibilities of any municipality or parish; or to any pending claims relating to loss reserves maintained or established by the office of risk management, division of administration, or any office with similar responsibilities of any municipality or parish, for any claims or for losses incurred but not reported; however, this Chapter shall be applicable to reserves as reported in the financial statement of the office of risk management, division of administration, or any municipality or parish. Nothing in this Paragraph shall be construed or interpreted in a manner as to prevent or inhibit in any manner the chairman and vice chairman of the Joint Legislative Committee on the Budget and the litigation subcommittee of the Joint Legislative Committee on the Budget from obtaining dollar amounts billed by and paid to contract attorneys and experts in defense of claims against the state that the chairman or vice chairman, or the subcommittee determines is necessary to perform functions and duties relative to the evaluation of performance or the determination of budget policy; however, no legislator or any committee of the legislature shall disclose any confidential information so obtained that would jeopardize or have a detrimental effect on the litigating position of the state.</p> <p>(16) <i>[trade secrets and commercial or financial information pertaining to research or to the commercialization of technology records; patentable or licensable information; potentially patentable or licensable information; and private document collections designated by the donor to</i></p>	<p>attorney representing the office of risk management of any city or parish; or pending claims relating to reserves maintained or established by office of risk management of a city or parish for claims or losses incurred but not reported; but not including reports or reserves in the financial statement of the office of risk management in the city or parish.</p> <p>N.A</p>
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	<p><i>have restricted access of a board or institution of higher learning]</i></p> <p>(17) <i>[records required of hospitals by the Department of Health and Hospitals as a condition of hospital licensure ]</i></p> <p>(18) <i>[records concerning fitness of any person to hold a license to practice chiropractic]</i></p> <p>(19) <i>[records defined as “confidential data” as held by the state division of health, office of public health]</i></p> <p>(20) <i>[records within the Louisiana Department of Wildlife and Fisheries' Natural Heritage Program database]</i></p> <p>(21) <i>[information received by the Department of Agriculture and Forestry as a result of questionnaires regarding the timber industry]</i></p> <p>(22) <i>[records or information defined as confidential for the Department of Health and Hospital's Prenatal Care commission]</i></p> <p>(23) To the name and address of a law enforcement officer in the custody of the registrar of voters or the secretary of state, if certified by the law enforcement agency employing the officer that the officer is engaging in hazardous activities to the extent that it is necessary for his name and address to be kept confidential.</p> <p>(24) <i>[accident reports regarding farm equipment on highways]</i></p> <p>(25) <i>[records received by the Louisiana State Child Death Review Panel]</i></p>	<p>N.A.</p> <p>N.A.</p> <p>N.A.</p> <p>N.A.</p> <p>N.A.</p> <p>N.A.</p> <p>Name and address in the custody of a registrar of voters or the secretary of state for a law enforcement officer who is engaged in hazardous activities.</p> <p>N.A.</p> <p>N.A.</p>
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	<p>(26) <i>[records concerning fitness of any person to hold a license or certificate to practice social work or clinical social work]</i></p> <p>(27) (a) To any testing instrument used or to be used by the state Department of Education or the State Board of Elementary and Secondary Education to assess the performance of individual students, nor to any answers for such tests or any individual student scores on such tests.</p> <p>(b) Nothing in Subparagraph (a) of this Paragraph shall prohibit any person authorized by policies adopted by the state Department of Education or the State Board of Elementary and Secondary Education from having access to the test instrument, test answers, or any individual student scores on such tests as necessary for the performance of his duties and responsibilities, nor any parent or guardian of a child who has taken any such test from having access to or being provided the child's individual test scores.</p> <p>(28) <i>[any person receiving funds from the Crime Victims Reparations Fund]</i></p> <p>(29) <i>[reports concerning fitness of any person to hold a license to practice as a psychologist]</i></p> <p>(30) <i>[personal information of toll patrons of the Crescent City Connection and the Greater New Orleans Expressway]</i></p> <p>(31) To proprietary information provided to a communications district by a service provider, as defined in R.S. 33:9106(A)(4). "Proprietary information" as used in this Paragraph shall mean customer telephone numbers, information relating to the quantity, technical destination,</p>	<p>N.A.</p> <p>Testing materials, answer keys, or student scores used or to be used by the state Department of Education or the State Board of Elementary and Secondary Education.</p> <p>(b) Subparagraph (a) does not prohibit authorized personnel, parent or guardian of a child who has taken any such test from having access to or being provided the child's individual test scores.</p> <p>N.A.</p> <p>N.A.</p> <p>N.A.</p> <p>Proprietary information given to a communications district by a service provider.</p>
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	<p>location, and amount of use of a telecommunications service subscribed to by any customer of a telecommunications carrier, and information that is made available to the carrier by the customer solely by virtue of the carrier-customer relationship.</p> <p>(32) <i>[records concerning the fitness of any person to hold a license to practice as a practical nurse ]</i></p> <p>(33)(a) To the name, address, and telephone number of any student enrolled in any public elementary or secondary school in the state in a record of a public elementary or secondary school or a city or parish school board.</p> <p>(b) Nothing in Subparagraph (a) of this Paragraph shall prohibit any official or employee of any public elementary or secondary school, the state Department of Education, or the State Board of Elementary and Secondary Education from having access to a student's name, address, and telephone number but only as necessary for the performance of his duties and responsibilities.</p> <p>(34)(a) To the social security number of any teacher or school employee employed by a city, parish, or other local public school board or any nonpublic school.</p> <p>(b) Nothing in Subparagraph (a) of this Paragraph shall prohibit any official or employee of any elementary or secondary school at which the teacher or school employee works, of the school board employing the teacher, of the state Department of Education, or of the State Board of Elementary and Secondary Education from</p>	<p>N.A.</p> <p>Names, addresses, and telephone numbers of public elementary or secondary school students in the record of a school or school board.</p> <p>School officials or employees may access a student's name address, and telephone number if necessary to perform job responsibilities.</p> <p>Social security numbers of teachers or employees of a public school board or nonpublic school.</p> <p>Any employee of any elementary or secondary school at which the teacher or school employee works may access the social security number of a teacher or school</p>
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	<p>having access to the social security number of a teacher or school employee but only as necessary for the performance of the duties and responsibilities of such official or employee.</p> <p>(c) For the purposes of this Paragraph, "school board" shall include any city, parish, or other local public school board and the governing authority of any nonpublic school.</p> <p>(35) [<i>records concerning fitness of any person to hold a license to practice pharmacy</i>]</p> <p>(36) [<i>supplemental rebate negotiations for prescription drug coverage by the Medicaid Program</i>]</p> <p>(37) [<i>any protected health information as defined in the Louisiana Public Health Emergency Act</i>]</p> <p>(38) [<i>records in the office of conservation regarding pipeline security procedures to prevent potential terrorist-related activities</i>]</p> <p>(39) [<i>records concerning fitness of any person to receive a license to practice optometry</i>]</p> <p>(40) To any records, writings, plans, blueprints, or any information pertaining to security systems or features submitted to obtain an individual building permit on file in the office of a regulatory agency or official; any records, writings, plans, blueprints, or information submitted to obtain an individual building permit which details the interior layout of a residence to such an extent that access thereto would make such residence particularly vulnerable to burglary or other criminal activity; or any records, writings, plans, blueprints, or information containing any</p>	<p>employee if necessary for employment purposes.</p> <p>"School board" includes any city, parish, or other local public school board and the governing authority of any nonpublic school.</p> <p>N.A.</p> <p>N.A.</p> <p>N.A.</p> <p>N.A.</p> <p>N.A.</p> <p>N.A.</p> <p>Records (including any plans or blueprints) filed with a regulatory agency or official to obtain an individual building permit when the records contain information on (1) security systems, (2) interior layout of a residence, or (3) an engineer or architect's proprietary work product, design, or plan; but public record requirements do</p>
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	<p>proprietary work product, design, or plan of any architect or engineer submitted to obtain an individual building permit; however, this Chapter shall be applicable to any survey or plot plan submitted solely for the purposes of displaying the outline of a building on a lot or lots of record in order to show compliance with yard or other setback requirements of a zoning ordinance or other such regulatory law.</p> <p>(41) To the following information related to a credit card issued to a public body: the entire credit card number, the credit card expiration date, the passcode or access code, the credit card personal identification number or "PIN", or any other information which could be used to make a charge to the credit card account or otherwise access the credit card account information; however, this Chapter shall apply to all other information regarding the credit card and credit card account.</p> <p>(42) <i>[any portion of a notarial examination administered by the secretary of state]</i></p> <p>(43) <i>[applications to the Louisiana Legislative Youth Advisory Council]</i></p> <p>(44) <i>[records of the Louisiana Cemetary Board pertaining to investigation of a cemetery]</i></p> <p>(45) <i>[records of the Department of Wildlife and Fisheries pertaining to shipment of alligators or alligator skins]</i></p> <p>(45) <i>[records of the Louisiana Licensed Professional Counselors Board of Examiners pertaining to the fitness of any person to receive a license or certificate to practice counseling and</i></p>	<p>apply to a survey of a building on a lot to show compliance with yard or setback requirement.</p> <p>Credit card numbers, expiration dates, access codes, PINs, and other identifying information of a public body's credit card.</p> <p>N.A.</p> <p>N.A.</p> <p>N.A.</p> <p>N.A.</p> <p>N.A.</p>
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	<p><i>therapy]</i></p> <p>(45) [certain court records made during court proceedings]</p>	<p>N.A.</p>
<p>44:4.1</p>	<p><b>Exceptions</b></p> <p>A. The legislature recognizes that it is essential to the operation of a democratic government that the people be made aware of all exceptions, exemptions, and limitations to the laws pertaining to public records. In order to foster the people's awareness, the legislature declares that all exceptions, exemptions, and limitations to the laws pertaining to public records shall be provided for in this Chapter or the Constitution of Louisiana. Any exception, exemption, and limitation to the laws pertaining to public records not provided for in this Chapter or in the Constitution of Louisiana shall have no effect.</p> <p>B. The legislature further recognizes that there exist exceptions, exemptions, and limitations to the laws pertaining to public records throughout the revised statutes and codes of this state. Therefore, the following exceptions, exemptions, and limitations are hereby continued in effect by incorporation into this Chapter by citation:</p> <ul style="list-style-type: none"> <li>(1) R.S. 3:556.10, 558.10, 559.9, 750, 1401, 1413, 1430.7, 3204, 3221, 3370, 3421, 3524, 3706, 4021, 4110, 4162</li> <li>(2) R.S. 6:103, 122, 135, 1308</li> <li>(3) R.S. 9:172, 224, 313, 331.1, 395, 461, 1033, 3518.1, 3556, 3574.6, 3576.21</li> <li>(4) R.S. 11:174</li> <li>(5) R.S. 13:1905, 2593, 3715.3, 3715.4, 3734, 4687, 5108.1, 5304</li> <li>(6) R.S. 14:403, 403.1, 403.5</li> <li>(7) R.S. 15:242, 440.6, 477.2, 549,</li> </ul>	<p>To make it easier for the public to find a list of exceptions, exceptions created by other laws are listed below.</p> <p>The following statutes provide exceptions to the public records laws:</p>

<p>570(F), 574.12, 578.1, 616, 660, 840.1, 1176, 1204.1, 1507, 1614</p> <p>(8) R.S. 17:7.2, 46, 47, 81.9, 334, 391.4, 500.2, 1175, 1202, 1237, 1252, 1952, 1989.7, 2047, 2048.31, 3099, 3136, 3390, 3773, 3884</p> <p>(9) R.S. 18:43, 44, 114, 116, 154, 1308, 1491.5, 1495.3, 1511.8</p> <p>(10) R.S. 22:2, 14, 42.1, 88, 244, 461, 572, 572.1, 574, 618, 706, 732, 752, 771, 1203, 1460, 1466, 1546, 1644, 1656, 1723, 1927, 1929, 1983, 1984, 2036, 2303</p> <p>(11) R.S. 23:1177, 1197, 1200.7, 1291, 1292, 1293, 1306, 1660, 1671</p> <p>(12) R.S. 24:513, 513.1, 513.3, 518</p> <p>(13) R.S. 26:921</p> <p>(14) R.S. 27:13, 21, 22, 25, 45, 61, 237</p> <p>(15) R.S. 28:56, 215.4</p> <p>(15.1) R.S. 29:765</p> <p>(16) R.S. 30:10.1, 209.1, 213, 215, 907, 908, 916, 2030, 2074, 2351, 2351.54, 2564</p> <p>(17) R.S. 32:398, 707.2, 1254</p> <p>(18) R.S. 33:1334, 2182, 2428, 4720.151, 4891, 9109, 9128, 9614</p> <p>(19) R.S. 34:340.21, 1005</p> <p>(20) R.S. 36:108</p> <p>(21) R.S. 37:74, 86, 90, 147, 691, 711.10, 763, 763.1, 781, 920.1, 969.1, 1277, 1278, 1285, 1326, 1518, 1745.15, 1747, 1806, 2156.1, 2406, 2505.1, 3481, 3507.1</p> <p>(22) R.S. 38:2212.1, 2220.3, 3053, 3104</p> <p>(23) R.S. 39:294, 1435</p> <p>(24) R.S. 40:3.1, 31.14, 31.27, 39.1, 41, 73, 526, 528, 1007, 1098.8, 1232.7, 1299.6, 1299.35.10, 1299.44, 1299.85, 1299.87, 1300.14, 1300.54, 1379.3, 2009.8, 2009.14, 2010.5, 2017.9, 2018, 2019, 2020, 2106, 2109.1, 2138, 2532, 2845.1</p> <p>(25) R.S. 42:17, 57, 1111, 1141, 1158,</p>	
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	<p>1161</p> <p>(26) R.S. 44:19, 408, 425  (27) R.S. 45:1313(C)  (28) R.S. 46:56, 236.1.1 through 238, 284, 286.1, 439.1, 446.1, 1073, 1355, 1806, 1844, 1845, 1923, 2124.1, 2134, 2356, 2416, 2603, 2625, 2685  (29) R.S. 47:15, 349, 633.6, 1508, 1515.3, 1516, 1837, 2130, 2327, 2605, 6036, 9006  (30) R.S. 48:255.1  (31) R.S. 49:220.25, 956, 997, 1055  (32) R.S. 51:710.2(B), 705, 706, 936, 1404, 1926, 1934, 2182, 2262, 2318, 2389  (33) R.S. 56:301.4, 306.5, 33.1(A)(4), 637  (34) C.C.P. Art. 891, 1426  (35) C.Cr.P. Art. 103, 877, 894  (36) Ch.C. Arts. 328, 404, 412, 424.6, 424.9, 441, 543, 545, 615, 616, 616.1, 663, 888, 891, 893, 920, 1007, 1106, 1107, 1185, 1186, 1187, 1207, 1213, 1229, 1235, 1252, 1273, 1283.5, 1283.10, 1416, 1453, and 1568  (37) R.S. 41:1609  (37) R.S. 12:2.1</p> <p>C. The provisions of this Chapter shall not apply to any writings, records, or other accounts that reflect the mental impressions, conclusions, opinions, or theories of an attorney or an expert, obtained or prepared in anticipation of litigation or in preparation for trial.</p>	
44:5	<i>[Records of the governor]</i>	N.A.
44:6	<i>[Completed reports of the Legislative Auditor]</i>	N.A.
44:7	<i>[Hospital records]</i>	N.A.
44:8	<i>[Louisiana office building corporation, special provisions]</i>	N.A.
44:9	<i>[Records of violations of municipal ordinances]</i>	This provision provides for

	<i>and of state statutes classified as a misdemeanor or felony]</i>	expungement procedures for certain criminal records.
44:10	<i>[Confidential nature of documents and proceedings of judiciary commission]</i>	N.A.
44:11	<p><b>Confidential nature of certain personnel records</b></p> <p>A. Notwithstanding anything contained in this Chapter or any other law to the contrary, the following items in the personnel records of a public employee of any public body shall be confidential:</p> <p>(1) The <b>home telephone number</b> 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 such body.</p> <p>(2) The <b>home telephone number</b> of the public employee where such employee has requested that the number be confidential.</p> <p>(3) The <b>home address</b> of the public employee where such employee has requested that the address be confidential.</p> <p>(4) The <b>name and account number</b> of any financial institution to which the public employee's wages or salary are directly deposited by an electronic direct deposit payroll system or other direct deposit payroll system.</p>	<p>The following items in the personnel records of a public employee are confidential:</p> <p>(1) The private or unlisted <b>home telephone number</b> of the public employee.</p> <p>(2) The <b>home telephone number</b> of the public employee (if the employee asked for the number to be kept confidential).</p> <p>(3) The <b>home address</b> of the public employee (if the employee requested that the number be kept confidential).</p> <p>(4) The <b>name and account number</b> of any financial institution where the public employee's salary is directly deposited.</p>

	<p>B. The provisions of R.S. 44:11(A)(3) shall not apply to the personnel records of a city or parish school board to the extent that the home address of any employee of a city or parish school board shall be made available to recognized educational groups.</p> <p>C. Notwithstanding any other provision of this Chapter, the social security number and financial institution direct deposit information as contained in the personnel records of a public employee of any public body shall be confidential. However, when the employee's social security number or financial institution direct deposit information is required to be disclosed pursuant to any other provision of law, including such purposes as child support enforcement, health insurance, and retirement reporting, the social security number or financial institution direct deposit information of the employee shall be disclosed pursuant to such provision of law.</p> <p>D. Notwithstanding anything contained in this Chapter or any other law to the contrary, all medical records, claim forms, insurance applications, requests for the payment of benefits, and all other health records of public employees, public officials, and their dependents in the personnel records of any public body shall be confidential. However, nothing in this Chapter shall be intended to limit access to employee records under the Code of Civil Procedure or Code of Evidence.</p>	<p>B. The home address of any employee of a city or parish school board must be made available to recognized educational groups.</p> <p>C. The social security number and direct deposit information in the personnel records of a public employee are confidential, unless some other provision of law requires disclosure, such as child support enforcement, health insurance, or retirement reporting.</p> <p>D. All medical records, claim forms, insurance applications, requests for the payment of benefits, and other health records of public employees, public officials, and their dependents are confidential. [Employee health records can be disclosed under the Code of Civil Procedure or Code of Evidence.]</p>
44:12	<i>[Medical records of persons covered by the Office of Group Benefits programs]</i>	N.A.

44:12.1	<i>[Records of applicants for public positions; prohibitions]</i>	N.A.
44:13	<p><b>Registration records and other records of use maintained by libraries</b></p> <p>A. Notwithstanding any provisions of this Chapter or any other law to the contrary, records of any library which is in whole or in part supported by public funds, including the records of public, academic, school, and special libraries, and the State Library of Louisiana, indicating which of its documents or other materials, regardless of format, have been loaned to or used by an identifiable individual or group of individuals may not be disclosed except to a parent or custodian of a minor child seeking access to that child's records, to persons acting within the scope of their duties in the administration of the library, to persons authorized in writing by the individual or group of individuals to inspect such records, or by order of a court of law.</p> <p>B. Notwithstanding any provisions of this Chapter or any other law to the contrary, records of any such library which are maintained for purposes of registration or for determining eligibility for the use of library services may not be disclosed except as provided in Subsection A of this Section.</p> <p>C. No provision of this Section shall be so construed as to prohibit or hinder any library or any business office operating jointly with a library from collecting overdue books, documents, films, or other items and/or materials owned or otherwise belonging to such library, nor shall any provision of this Section be so construed as to</p>	<p>Library records indicating which of its documents have been loaned to an individual or group may be disclosed: to a parent or custodian of a minor child; to library administrators acting within the scope of their duties; to persons authorized in writing by the individual or group; or by order of a court.</p> <p>Library registration records may only be disclosed as provided in Subsection A.</p> <p>This Section does not prohibit any library from collecting overdue books or fines.</p>



	<p>prohibit or hinder any such library or business office from collecting fines on such overdue books, documents, films, or other items and/or materials.</p> <p>D. No provision of this Section shall be so construed as to prohibit or hinder any library or librarian from providing information to appropriate law enforcement officers investigating criminal activity in the library witnessed by an employee or patron of the library and reported by the administrative librarian to the appropriate law enforcement officials.</p> <p>(1) The term “criminal activity in the library”, as used in this Subsection, shall mean an activity which constitutes a crime, or otherwise constitutes an offense or violation of any law or ordinance, occurring:          (a) Within any library building,          (b) Upon any library property, or          (c) Near a library and the proximity of such activity to a library or library property constitutes an element of the offense.</p> <p>(2) The term “information”, as used in this Subsection shall include but not be limited to electronic data files, security surveillance video tapes, or other records or materials which may constitute evidence which would assist law enforcement officers in identifying the individual or group of individuals who may have committed criminal activity in the library.</p>	<p>This Section does not prohibit any library or librarian from providing information to appropriate law enforcement officers investigating criminal activity in the library.</p>
44:14	<i>[Insurance, health and accident; list of insured to be provided to department]</i>	N.A.
44:15	<i>[Medical records of persons applying for disability retirement through any state or</i>	N.A.

	<i>statewide public retirement system or pension plan or fund]</i>	
44:16	<i>[Personal data records for certain members of public retirement systems, plans, or funds]</i>	N.A.
44:17	<i>[Immunization records; definitions; disclosure; liability; procedures]</i>	N.A.
44:18	<i>[Geophysical survey information]</i>	N.A.
44:19	<i>[Records of a coroner; autopsy photographs, video, and other visual images]</i>	N.A.
44:20	<i>[Records of discharge from armed forces]</i>	N.A.
44:21	<i>[Municipal fire and police civil service; test materials confidential]</i>	N.A.
44:21.1	<i>[Jefferson Parish civil service; test materials confidential]</i>	N.A.
44:22	<i>[Economic development negotiations]</i>	N.A.
44:23	<i>[Department of Transportation and Development; preconstruction estimates]</i>	N.A.
44:23.1	<i>[Department of Transportation and Development; Sabine River Authority; exception for certain sensitive security information or critical infrastructure information]</i>	N.A.
44:31	<p><b>Right to examine records</b></p> <p>A. Providing access to public records is a responsibility and duty of the appointive or elective office of a custodian and his employees.</p> <p>B. (1) Except as otherwise provided in this Chapter or as otherwise specifically provided by law, and in accordance with the provisions of this Chapter, <b>any person of the age of majority</b> may inspect, copy, or reproduce any public record.</p> <p>(2) Except as otherwise provided in this Chapter or as otherwise specifically provided by law, and in accordance with the provisions of this Chapter, <b>any person</b> may obtain a copy or</p>	<p>Custodians must provide access to public records.</p> <p><b>Any person of the age of majority</b> may inspect, copy, or reproduce any public record.</p> <p><b>Any person</b> may obtain a copy of any public record.</p>

	<p>reproduction of any public record.</p> <p>(3) The <b><i>burden of proving that a public record is not subject to inspection, copying, or reproduction</i></b> shall rest with the custodian.</p>	<p>The custodian bears the <b><i>burden of proving that a public record is not subject to inspection, copying, or reproduction.</i></b></p>
44:31.1	<i>[Exceptions; authority of the custodian]</i>	N.A.
44:31.2	<p><b>Public records awareness program</b></p> <p>The attorney general shall establish a program for educating the general public, public bodies, and custodians regarding the provisions of this Chapter. Such program may include brochures, pamphlets, videos, seminars, and Internet access to information which provides training on the provisions of this Chapter, 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.</p>	<p>The attorney general must educate the public, public bodies, and custodians about the provisions of this Chapter.</p>
44:32	<p><b>Duty to permit examination; prevention of alteration; payment for overtime; copies provided; fees</b></p> <p>A. The custodian shall present any public record to any person of the age of majority who so requests. The custodian shall <b><i>make no inquiry</i></b> of any person who applies for a public record, except an inquiry as to the age and identification of the person and may require the person to sign a register and shall not review, examine or scrutinize any copy, photograph, or memoranda in the possession of any such person; and shall extend to the person all reasonable comfort and facility for the full exercise of the right granted by</p>	<p>The custodian must present public records to any person 18 or older who requests access during regular office hours. The custodian may not question the person who applies for a public record, except to verify the person's age and ask for identification. The</p>

	<p>this Chapter; provided that nothing herein contained shall prevent the custodian from maintaining such vigilance as is required to prevent alteration of any record while it is being examined; and provided further, that examinations of records under the authority of this Section must be conducted during regular office or working hours, unless the custodian shall authorize examination of records in other than regular office or working hours.</p> <p>B. If any record contains material which is not a public record, the custodian may <b>separate the nonpublic record</b> and make the public record available for examination.</p> <p>C. (1)(a) For all public records, except public records of state agencies, it shall be the duty of the custodian of such public records to provide copies to persons so requesting. The custodian may establish and collect reasonable fees for making copies of public records. Copies of records may be furnished without charge or at a reduced charge to indigent citizens of this state.</p>	<p>custodian may require the person to sign a register. The custodian must not inspect any documents in the possession of the requestor, and must provide the requestor with a reasonably comfortable place to examine the documents. The custodian may take precautionary measures to ensure that the requestor does not alter the record while examining it. Records must be examined during regular office hours unless the custodian agrees to make them available at other times</p> <p>If a record contains nonpublic material, the custodian may <b>separate the nonpublic material</b> and make the public portion available to the requestor.</p> <p>The custodian must provide copies of [non-state] records to the requestor. The custodian may collect reasonable fees for making copies, but may also furnish copies without charge or at a reduced charge to indigent citizens.</p>
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	<p>(b) For all public records in the custody of a clerk of court, the clerk may also establish reasonable uniform written procedures for the reproduction of any such public record. Additionally, in the parish of Orleans, the recorder of mortgages, the register of conveyances, and the custodian of notarial records may each establish reasonable uniform procedures for the reproduction of public records.</p> <p>(c) The use or placement of mechanical reproduction, microphotographic reproduction, or any other such imaging, reproduction, or photocopying equipment within the offices of the clerk of court by any person described in R.S. 44:31 is prohibited unless ordered by a court of competent jurisdiction.</p> <p>(d) Any person, as provided for in R.S. 44:31, may request a copy or reproduction of any public record and it shall be the duty of the custodian to provide such copy or reproduction to the person so requesting.</p> <p>(2) For all public records of state agencies, it shall be the duty of the custodian of such records to provide copies to persons so requesting. Fees</p> <p>For such copies shall be charged according to the uniform fee schedule adopted by the commissioner of administration, as provided by R.S. 39:241. Copies shall be provided at fees according to the schedule, except for copies of public records the fees for the reproduction of which are otherwise fixed by law. Copies of records may be furnished without charge or at a reduced charge to indigent citizens of this state</p>	<p>A clerk of court, the recorder of mortgages, the register of conveyances, and the custodian of notarial records may each establish reasonable procedures for copying public records.</p> <p>The requester may not use mechanical or microfiche reproduction or other photocopying equipment in the offices of the clerk of court unless ordered by a court.</p> <p>When a person requests a copy of any public record, the custodian must comply.</p> <p>Custodians of state agency records must provide copies to requestors.</p> <p>Custodians may charge for copies in accordance with the uniform fee schedule adopted by the commissioner of administration, except when fees are otherwise fixed by law. Copies may be furnished without</p>
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	<p>or the persons whose use of such copies, as determined by the custodian, will be limited to a public purpose, including but not limited to use in a hearing before any governmental regulatory commission.</p> <p>(3) No fee shall be charged to any person to examine or review any public records, except as provided in this Section, and no fee shall be charged for examination or review to determine if a record is subject to disclosure, except as may be determined by a court of competent jurisdiction.</p> <p>D. In any case in which a record is requested and a <b><i>question is raised by the custodian of the record as to whether it is a public record</i></b>, such custodian shall within three days, exclusive of Saturdays, Sundays, and legal public holidays, of the receipt of the request, in writing for such record, notify in writing the person making such request of his determination and the reasons therefor. Such written notification shall contain <b><i>a reference to the basis under law which the custodian has determined exempts a record</i></b>, or any part thereof, from inspection, copying, or reproduction.</p>	<p>charge or at a reduced charge to indigent citizens or to people who plan to use them for a public purpose.</p> <p>(3) The custodian may not charge a fee for any person to examine or review public records, except as provided in this Section. No fee may be charged to determine if a record is subject to disclosure, except as ordered by a court.</p> <p>When a custodian has a question about whether the requested record is public, the custodian may obtain a legal opinion. If all or any portion of a record is to be withheld as not public, the custodian must provide the requestor with a <b><i>written notice of the decision and the reasons for withholding the record within three days</i></b> of the request, not counting weekends and holidays. The written notice must <b><i>reference the legal basis for the exemption</i></b>.</p>
44:33	<p><b>Availability of records</b></p> <p>A. (1) When a request is made for a public</p>	<p>When a valid public</p>

	<p>record to which the public is entitled, the official, clerks of court and the custodian of notarial records in and for the parish of Orleans excepted, who has responsibility for the record shall have the record segregated from other records under his custody so that the public can reasonably view the record.</p> <p>(2) If, however, segregating the record would be unreasonably burdensome or expensive, or if the record requested is maintained in a fashion that makes it readily identifiable and renders further segregation unnecessary, the official shall so state in writing and shall state the location of the requested record.</p> <p>B. (1) If the public record applied for is immediately available, because of its not being in active use at the time of the application, the public record shall be immediately presented to the authorized person applying for it. If the public record applied for is not immediately available, because of its being in active use at the time of the application, the custodian shall promptly certify this in writing to the applicant, and in his certificate shall fix a day and hour within three days, exclusive of Saturdays, Sundays, and legal public holidays, for the exercise of the right granted by this Chapter.</p>	<p>records request is made, the custodian must segregate the record so that the public can reasonably view the public portions of the record. Clerks of court and the custodian of notarial records in Orleans Parish are excepted from this requirement.</p> <p>If segregating the record would be unreasonably burdensome or expensive, or if the record can be identified and viewed without further segregation, the custodian must state this in writing and state the location of the requested record.</p> <p>If the public record is immediately available and not in active use, the public record must be immediately presented to the requestor. If the public record is not immediately available because it is in active use, the custodian must promptly certify this in writing to the applicant, and identify a day and hour within three days (not counting weekends and holidays) when the requestor will have access</p>
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	<p>(2) The fact that the public records are being audited shall in no case be construed as a reason or justification for a refusal to allow inspection of the records except when the public records are in active use by the auditor.</p>	<p>to the record.</p> <p>Records being audited are only exempt from public inspection when they are in active use by the auditor.</p>
44:34	<p><b>Absence of records</b></p> <p>If any public record applied for by any authorized person is not in the custody or control of the person to whom the application is made, such person shall promptly certify this in writing to the applicant, and shall <b><i>in the certificate state in detail to the best of his knowledge and belief, the reason for the absence of the record from his custody or control, its location, what person then has custody of the record and the manner and method in which, and the exact time at which it was taken from his custody or control.</i></b> He shall include in the certificate ample and detailed answers to inquiries of the applicant which may facilitate the exercise of the right granted by this Chapter.</p>	<p>When a requested public record is not in the custody or control of the person to whom the request was directed, the recipient of the request must promptly certify in writing to the applicant <b><i>the reason why the record is absent, when it was taken from the recipient's custody or control, its current location, and what person now has custody of the record.</i></b> The recipient of the request must also answer questions that will help the requestor locate and review the record.</p>
44:35	<p><b>Enforcement</b></p> <p>A. <b><i>Any person who has been denied the right</i></b> to inspect or copy a record under the provisions of this Chapter, either by a final determination of the custodian or by the passage of five days, exclusive of Saturdays, Sundays, and legal public holidays, from the date of his request without receiving a final determination in writing by the custodian, may institute proceedings for the issuance of a writ of mandamus, injunctive or</p>	<p><b><i>If the custodian denies a request to inspect or copy a public record or if five days (not counting weekends and holidays) pass without a decision by the custodian, the requestor</i></b> may file a lawsuit, seeking</p>



<p>declaratory relief, together with attorney's fees, costs and damages as provided for by this Section, in the district court for the parish in which the office of the custodian is located.</p> <p>B. In any suit filed under Subsection A above, the court has jurisdiction to enjoin the custodian from withholding records or to issue a writ of mandamus ordering the production of any records improperly withheld from the person seeking disclosure. The court shall determine the matter de novo and <b>the burden is on the custodian to sustain his action</b>. The court may view the documents in controversy in camera before reaching a decision. Any noncompliance with the order of the court may be punished as contempt of court.</p> <p>C. Any suit brought in any court of original jurisdiction to enforce the provisions of this Chapter shall be <b>tried by preference and in a summary manner</b>. Any appellate courts to which the suit is brought shall <b>place it on its preferential docket and shall hear it without delay</b>, rendering a decision as soon as practicable.</p> <p>D. If a person seeking the right to inspect or to receive a copy of a public record prevails in such suit, he shall be <b>awarded reasonable attorney's fees and other costs of litigation</b>. If such person prevails in part, the court may in its discretion award him reasonable attorney's fees or an appropriate portion thereof.</p>	<p>mandamus, injunctive or declaratory relief, together with attorney's fees, costs and damages.</p> <p>The court may order a custodian to produce any records improperly withheld. The <b>burden of proof is on the custodian to show records may be withheld</b>. The court may view the documents in private before reaching a decision. Disobeying the order of the court may be punished as contempt of court.</p> <p>A suit brought to enforce the provisions of this Chapter must be <b>heard quickly</b> in both trial and appellate courts.</p> <p>A person who wins in court will be <b>awarded reasonable attorney's fees and other costs of litigation</b>. If the person prevails only in part, the court may award reasonable attorney's fees or an appropriate portion.</p>
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<p>E. (1) If the court finds that the <b>custodian arbitrarily or capriciously withheld</b> the requested record or <b>unreasonably or arbitrarily failed to respond to</b> the request as required by R.S. 44:32, it may award the requester any <b>actual damages</b> proven by him to have resulted from the actions of the custodian except as hereinafter provided. In addition, if the court finds that the custodian unreasonably or arbitrarily failed to respond to the request as required by R.S. 44:32 it may award the requester civil penalties not to exceed one hundred dollars per day, exclusive of Saturdays, Sundays, and legal public holidays for each such day of such failure to give notification.</p> <p>(2) <b>The custodian shall be personally liable for the payment of any such damages</b>, and shall be liable in solido with the public body for the payment of the requester's attorney fees and other costs of litigation, except where the custodian has withheld or denied production of the requested record or records on advice of the legal counsel representing the public body in which the office of such custodian is located, and in the event the custodian retains private legal counsel for his defense or for bringing suit against the requester in connection with the request for records, the court may award attorney fees to the custodian.</p> <p>F. An award for attorney fees in any suit brought</p>	<p>If the <b>custodian arbitrarily or capriciously (a) withheld</b> the requested record or (b) <b>failed to respond to</b> the request, the court may award the requester any <b>actual damages</b> that resulted from the actions of the custodian. The court may also award civil penalties of up to one hundred dollars per day (not counting weekends and holidays) for each day the custodian failed to notify the requestor.</p> <p>(2) <b>The custodian must personally pay any such damages</b>, and is jointly liable with the public body for the requester's attorney fees and costs, <b>except when the custodian withheld the requested record on advice of counsel representing the public body.</b> If a custodian retains private counsel to defend the suit against the requester, the court may award attorney fees to the custodian.</p> <p>Attorney's fees awards in</p>
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	<p>under the provisions of this Chapter shall not exceed the amounts approved by the attorney general for the employment of outside counsel.</p>	<p>public records suits must not exceed amounts in the attorney general's fee schedule for outside counsel.</p>
<p>44:36</p>	<p><b>Preservation of records</b></p> <p>A. All persons and public bodies having custody or control of any public record, other than conveyance, probate, mortgage, or other permanent records required by existing law to be kept for all time, shall exercise diligence and care in preserving the public record for the period or periods of time specified for such public records in formal records retention schedules developed and approved by the state archivist and director of the division of archives, records management, and history of the Department of State. However, in all instances in which a formal retention schedule has not been executed, <b>such public records shall be preserved and maintained for a period of at least three years</b> from the date on which the public record was made. However, where copies of an original record exist, the original alone shall be kept; when only duplicate copies of a record exist, only one copy of the duplicate copies shall be required to be kept. Where an appropriate form of the microphotographic process has been utilized to record, file, and otherwise preserve such public records with microforms produced in compliance with the provisions of R.S. 44:415, the microforms shall be deemed originals in themselves, as provided by R.S. 44:39(B), and</p>	<p>Anyone who has custody or control of public records must preserve the records for as long as the state's formal records retention schedules requires. When a formal retention schedule has not been adopted, <b>public records must be preserved for at least three years</b> after the public record was made. When copies of an original record exist, only the original record must be kept; when only duplicate copies of a record exist, one copy of the duplicate copy must be kept. Microforms are originals in themselves.</p>

	<p>disposition of original documents which have been microphotographically preserved and of duplicates and other copies thereof shall proceed as provided in R.S. 44:411. **</p> <p>C. All existing records or records hereafter accumulated by the various services of the state or its subdivisions which participate in federal programs or receive federal grants may be destroyed after three years from the date on which the records were made in those cases where this provision is not superseded by guidelines for the operative federal program or grant requiring longer retention periods for the records in question; provided that these records shall not be destroyed in any case where litigation with reference thereto is pending, or until the appropriate state or federal audits have been conducted. ***</p>	<p>C. When the state or its subdivisions participate in federal programs or receive federal grants, records may be destroyed three years after the records were made, unless the federal program or grant requires longer retention periods; unless the records are referenced in pending litigation; or unless appropriate state or federal audits are pending. ***</p>
44:37	<p><b>Penalties for violation by custodians of records</b></p> <p>Any person having custody or control of a public record, who violates any of the provisions of this Chapter, or any person not having such custody or control who by any conspiracy, understanding or cooperation with any other person hinders or attempts to hinder the inspection of any public records declared by this Chapter to be subject to inspection, shall upon <b><i>first conviction be fined not less than one hundred dollars, and not more than one thousand dollars, or shall be imprisoned for not less than one month, nor more than six months.</i></b> Upon any subsequent conviction he shall be <b><i>fined not less than two</i></b></p>	<p>Upon <b><i>first conviction the custodian or a person who conspires to violate public records law may be fined \$100-\$1,000, or imprisoned for 1-6 months.</i></b> Any subsequent conviction carries a <b><i>fine of between \$250-\$2,000, or imprisonment for 2-6, or both.</i></b></p>

	<i>hundred fifty dollars, and not more than two thousand dollars, or imprisoned for not less than two months, nor more than six months, or both.</i>	
44:38	<i>[Access to records involved in legislative studies]</i>	N.A
44:39	<p><b>Microfilm and electronic digitized records; use as evidence</b></p> <p>A. (1) All persons and public bodies having custody or control of any public records of the state of Louisiana or any of its subdivisions may utilize any appropriate form of the microphotographic process, or an electronic digitizing process capable of reproducing an unalterable image of the original source document, for the recordation, filing, and preservation of all existing public records, forms, and documents or records, forms, and documents hereafter accumulated which pertain to their functions and operations in order to maintain efficient and economical records management programs and to conserve storage space, provided that the use of such microphotographic or electronic digitizing processes are not otherwise prohibited by law and that all microforms produced comply with standards established by the division of archives, records management, and history of the Department of State in accordance with the provisions of R.S. 44:415.</p> <p>2)(a) However, when electronic digitizing is utilized, the original source document or microfilm of such source document shall be maintained until such time as electronic digitizing is recognized as an acceptable means of records preservation.</p>	<p>A custodian may use any legally permissible microphotographic or electronic digitizing process to record, file, and preserve all existing public records. Microforms must be produced in accordance with standards established by R.S.44:415.</p> <p>When electronic digitizing is utilized, the original source document or microfilm of such source document must be maintained until electronic</p>

	<p>(b) Notwithstanding the provisions of this Subsection, the agencies and entities set forth in this Subparagraph shall not be required to maintain the original source document or microfilm thereof when such document has been preserved utilizing electronic digitizing pursuant to written operating standards providing for retention and back-up schedules in accordance with recognized computer operating practices which at a minimum provide the technical equivalent of back-up copies:</p> <p>(i) Public safety services within the Department of Public Safety and Corrections.</p> <p>(ii) All public retirement systems, plans, and funds.</p> <p>(iii) Any further exceptions to the provision to maintain original source documents or microfilm thereof under this Subsection must be approved in writing by the state archivist.</p> <p>B. Any microfilm or electronically digitized copy, when satisfactorily identified, shall be deemed to be an original itself, and shall be admissible in evidence in all courts or administrative proceedings in any agency, whether the original document is in existence or not, and an enlargement or facsimile of a reproduction is likewise admissible in evidence, if the original reproduction is in existence and available for inspection under direction of the court or the administrative agency. Original records shall</p>	<p>digitizing is recognized as an acceptable means of preserving records.</p> <p>When such document has been preserved by using approved electronic digitizing equipment, public safety services in the Department of Public Safety and Corrections and all public retirement systems, plans, and funds need not maintain the original source document or microfilm.</p> <p>N.A.</p> <p>N.A.</p> <p>Any further exceptions must be approved in writing by the state archivist.</p> <p>Any properly identified microfilm or electronically digitized copy is deemed an original and admissible in evidence, whether the original document exists or not. You can also introduce an enlargement or facsimile of a reproduction is also admissible, if the</p>
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	remain subject to subpoena.	original reproduction exists and is available for inspection. Original records remain subject to subpoena.
44:40	<i>[Additional copies of records by microphotographic process; purchase of equipment; funds available for payment; copies of suit records]</i>	N.A.
44:41	<i>[Receiving and filing map, plat, etc. for record]</i>	N.A.