

## **Relevant Public Records Decisions in Louisiana Case Law**

*This summary is provided by the Public Affairs Research Council and is intended to provide an overview of relevant case law. It is not an exhaustive legal review but rather highlights key decisions.*

*Title Research Corp. v. Rausch*, 450 So. 2d 933 (La. 1984) -- Right of the public to have access to the public records is a fundamental right guaranteed by the Louisiana constitution, the applicable provisions must be construed liberally and in favor of access to the records. Access can be denied only when the law specifically provides otherwise. Any doubt should be resolved in favor of access to records.

*Bester v. Louisiana Supreme Court Committee on Bar Admissions*, 779 So.2d 715 (La. 2001) – Bar examinations and Committee on Bar Admission’s model answers declared exempt from disclosure due to “inherent authority” of Louisiana Supreme Court.

*City of Baton Rouge/Parish of E. Baton Rouge v. Capital City Press, L.L.C.*, 4 So. 3d 807 (La. App. 1<sup>st</sup> Cir. 2008): Police officers had no individual privacy interest in files regarding internal police investigation of police officers accused of wrongdoing, especially recognizing “strong public interest in disclosure” and therefore internal police investigation documents were public records.

*Local 100, SEIU v. Smith*, 830 So.2d 417 (La. App. 2<sup>nd</sup> Cir. 2003) – School support employees have a reasonable expectation of privacy relating to information about their organizational (union) affiliations which outweighs the public’s right to know and therefore affiliation information cannot be produced.

*Angelo Iafrate Const., L.L.C. v. State ex rel. Dept. of Transp. and Dev.*, 879 So. 2d 250 (La. App. 1<sup>st</sup> Cir. 2004) – While public employees names and addresses are public records (unless public employees submit request that the information be confidential, see statute at LA R.S. 44: §11) a private company’s employees’ right to privacy concerning their personal particularized wage information in the possession of a government agency, including wage information coupled with names and addresses, outweighs any public interest there might be in disclosure of that information linked to the employees’ names and addresses.

*Cormier v. Pub. Records Req. of Di Giulio*, 553 So. 2d 806 (La. 1989) -- initial police reports are public records regardless of whether the report results from a public complaint or from police’s investigation work generally.

*In re Matter Under Investigation*, 15 So. 3d 972 (La. 2009); *Does v. Foti*, 81 So.3d 101 (La. App. 1<sup>st</sup> Cir. 2011) – Public Records Law exception relating to records of any criminal litigation “reasonably anticipated” applies if it is reasonably foreseeable or anticipated that criminal litigation will be brought against some potential criminal defendant who is under investigation.

*Lemmon v. Connick*, 590 So. 2d 574, 575 (La. 1991) -- Post conviction relief is not “criminal litigation” warranting non-disclosure of public records under the Public Records Law.

*State ex rel Guste v. Nicholls College Foundation*, 564 So.2d 682 (La. 1990) – Private non-profit corporation created to promote public university was a “public body” for Public Records Law purposes due to public funds received from university.

*Carter v. Fench*, 322 So.2d 305 (La. App. 1<sup>st</sup> Cir. 1975) – Financial records of public university student government association are public records due to collection of student fees.

*Times-Picayune Pub. Co. v. Johnson*, 645 So.2d 1174 (La. App. 4<sup>th</sup> Cir. 1994) – The Louisiana Legislature is subject to the Public Records Law. Legislators cannot transfer custody of a public record to a private entity to avoid public inspection. Private entity was tacitly authorized to respond to Public Records Law request for legislator as custodian of public document.

*Copsey v. Baer*, 593 So.2d 685 (La. App. 1<sup>st</sup> Cir. 1991) – Legislative work files of two State Senators were not public records as Court found that the legislative privileges and immunities clause contained in Louisiana Constitution Art. III Sec. 8 prevails over Public Records Law.

*Trahan v. Larivee*, 365 So. 2d 294, 300 (La. App. 3<sup>rd</sup> Cir. 1978) -- The public interest in efficient government and candid review in city employee evaluations, as well as the employee’s reasonable expectation of privacy in such personnel records, overrides the interest in disclosure of public employee performance evaluations to the public.

*Capital City Press v. East Baton Rouge Parish Metropolitan Council* 696 So.2d 562 (La. 1997) – No reasonable expectation of privacy can be had in application for public employment.

*Nungesser v. Brown*, 667 So. 2d 1036 (La. 1996) – State Commissioner of Insurance was not required to provide a list of investments did not exist in form specified by public records request.

*E. Bank Consol. Spec. Serv. Fire Protec. Dist. v. Crossen*, 892 So. 2d 666 (La. App. 5<sup>th</sup> Cir. 2004) -- Personnel file of assistant fire chief, including disciplinary actions, reprimands, apologies and other personnel documents, was not public record even when requested for purpose of appealing civil service disciplinary action.