

- The state's public records law establishes what information must be shared with the public and what can be kept private by public employees.
- Any person who is 18 or older has a right to see or copy any public record, unless the law gives a specific reason why the record cannot be viewed. The public body must put that reason in writing.
- The law is complicated and filled with exceptions. It allows certain public employees (custodians) to decide where to draw the line between public and private documents. Generally, a custodian has five business days to let you know whether a record is public or private and whether the record will be made available to you. If you disagree with the custodian's decision, you may challenge the decision in court.

### 1. What is a public body?

A government agency, branch, office, department, board, commission, committee, subcommittee or other governing authority at the state, parish or local level. Private corporations that perform a governmental function may also be considered public bodies.

### 2. What is a public record?

Any document that is created, used or kept to perform the business of a public body, regardless of physical format. Public records include books, papers, letters, maps, pictures, drawings, photographs and recordings. They also include information stored electronically, such as in e-mail and databases.

### 3. How do I see (examine) a public record?

At no cost, you can examine any public record in the office where it is kept during regular working hours. Special permission may be needed to allow you to see a record in a different place or at a different time. The person responsible for keeping the record can make reasonable rules to make sure that you do not destroy, damage or alter a record while you are examining it.

(However, only Louisiana residents can seek records from the governor's office and must provide ID.)



- *The law calls the person in charge of releasing or protecting records the "custodian." The person in charge of any public body is automatically a records custodian, but the responsibility can also be granted to other employees who handle records. Most public bodies name only a few people to handle all public records requests.*
- *The custodian may ask for your name and age before showing you a public record. Also, the custodian may ask you to sign a list so he or she can keep track of who has seen or copied a certain record. The custodian can ask questions about the specific records being sought if unable to determine what records are requested.*

### 4. How do I get a copy of a public record?

You may ask for a public record in any manner—over the phone or in person, by email or in a letter. To protect your right to sue in case of a dispute, you should always request records in writing and date your request.



- *You can call the main phone number of any public body and ask where you should send your records request so that it will reach the custodian.*
- *If you reach someone who is not helpful, call again or ask to speak to a supervisor. Not all public employees are fully aware of your rights to see records.*

### 5. How much do copies of public records cost?

There is no cost to see (examine) a public record if you do not need copies, unless the public body has to provide you with extra assistance. For example, if you want to examine records outside of regular working hours, the body might charge a fee to cover the cost of keeping the office open.

- State agencies usually charge 25 cents per page for regular-size paper documents. The agency may charge more for larger paper copies. The agency also may charge more for information stored in a computer system if special work is required to pull the information.

- For other public bodies, the custodian can set “reasonable” fees. What “reasonable” means is decided on a case-by-case basis. A custodian doesn’t have to charge a fee.
- Public colleges cannot charge fees for copies of records requested by a student-produced media outlet that is affiliated with the institution and at least partially funded by institution fees.



- Keep your records request simple and clear to be sure you get what you are asking for. If you ask for “all records relating to...” something, you might be asking for thousands of pages of information.
- Ask the custodian what the charge will be before copies are made. You do not owe the fee unless you agree to the cost of receiving the records.
- A custodian can refuse to provide information if he or she deems your records request so large that it “would substantially disrupt required government operations” to fulfill, but only after making “reasonable attempts” with you to narrow the request.

## 6. Which records are not open to the public?

Many kinds of records are exempt from the public records law and can be kept private because of the sensitive nature of the information in them. Examples of private information include:

- Governor’s schedule (with security info)
- Budget proposal research
- Criminal case investigation files
- Economic development negotiations
- Governor’s communication with internal staff
- Hospital & medical information
- Insurance, health & accident information
- Personally identifiable personnel information
- Trade secrets of companies

In addition, a long list of public officials (statewide elected officials, judges, state legislators, district attorneys, retired judges and more) can request in writing that certain personal information be removed from online sites at penalty of a misdemeanor crime for refusal. That information includes home addresses, phone numbers, personal email addresses, bank account numbers, marital records, birthdates, places of worship, child’s school and job location of a spouse or child, among other items.

## 7. How long can a custodian wait before answering my public records request?

If the custodian decides the record is not a public record, he or she must respond within five business days of your request and give you the legal reason for the decision in writing.

If the record is a public record and available, it must be given to you immediately. If it is a public record and not available (because it is being used by someone else), the custodian must let you know this in writing. The custodian also must provide a specific time (within five business days of your request) when the record will be available to you.

## 8. How long does a public body have to keep a public record?

In most cases, public records (regardless of form) must be kept for at least three years from the date they were created.

## 9. What can I do if I think a custodian has violated the public records law?

Call the state attorney general’s office or the local district attorney (or both) with your concern. Also, you may hire a lawyer and sue the custodian and the public body if:

- You are denied access to a record that you believe should be available, or
- Five or more business days pass from the time you make your written records request and the custodian has not responded to tell you whether or not the record will be released.

Public bodies that violate the law may have to pay fines, damages and the suing person’s legal fees.