Public Records Law

R.S. 44:1 - 44:42.

Overview

The following document is a summary of the general principles and guidelines concerning Louisiana's Public Records Law. This document is presented in a frequently asked questions (FAQ) format. Remember that because every situation is unique, each deserves careful individual review.

To facilitate your use of this document, numerous links within the document will direct your attention to areas within the document and to other related documents posted on the Louisiana Legislative Auditor's website and on external websites. For example, clicking the question in the index section will take you directly to any area of the FAQ you wish to view. Within the FAQ, several links will direct you to other areas of the FAQ and to relevant external documents. If you click on the individual question number, a link will return to the index to allow you to select another question to view.

Index

I. Scope

1. What is the Public Records Law?

2. What are Public Records?

3. What is a Public Body?

4. What is a custodian?

5. How should the Public Records Law be interpreted?

6. What documents are specifically exempted from being classified as public records under the Public Records Law?

7. How does the Constitutional Right of Privacy apply to Public Records?

8. Are records involved in legislative investigations subject to public records requests?

9. Are there any exceptions for proprietary or trade secret information submitted to the Department of Economic Development?

10. Are the work papers of the Legislative Auditor subject to inspection or reproduction under the Public Records Law?

11. Are there exemptions for the books and records of the Governor?

12. Are there exemptions for the books and records of other Statewide elected officials?

II. General Provisions

13. What rights does an individual have to examine public records?

14. Who is entitled to make a public records request?

15. Who carries the burden of proving that a record is not subject to inspection?

16. What must be included in a request for public records?

17. To whom should a request for public documents be made?

18. What are the duties of the custodian?

19. What requirements may a custodian place upon a requestor of public records?

20. May a custodian deny a request for public records if the request would substantially disrupt government operations?

21. When must a custodian present the requested record for examination or production?

22. What if the record is not currently in the possession of the custodian?

23. Who is a custodian of a public record used by two or more different agencies?

24. May the requestor specify a format for provision of the record?

25. What rights does an individual have if denied his or her right to inspect a public record?

26. What is the penalty for violation of the Public Records Law?

27. What damages may be awarded in a suit filed pursuant to R.S. 44:35?

28. Who is liable for damages, payment of attorney's fees, and costs of litigation under a suit for denial of rights under the Public Records Law?

29. Who may bring suit under R.S. 44:35?

30. Does the custodian of records receive immunity from suit for invasion of privacy?

31. Who has a duty to preserve public records?

32. How long must public records be preserved?

33. How is a formal retention schedule created?

34. Do local inspectors general and ethics review boards have any extra confidentiality protection?

35. Does the Public Records Law apply to private entities?

36. What resources on Public Records Law are available online?

Recent AG Opinions

I. Scope

Q.1. **What is the Public Records Law?** **R.S. 44:1, *et seq.***

A.1. The Public Records Law is found in La. R.S. 44:1, *et seq.*, which provides for the maintenance and disclosure of public records.

The Public Records Law is meant to ensure that public documents are preserved and open to view by the public. The Public Records Law, which operates in conjunction with Louisiana's Open Meetings Law, is the enabling legislation to ensure the mandate in Article XII, Section 3 of the Louisiana Constitution that states, "no person shall be denied the right to observe the deliberations of public bodies and examine public documents, except in cases established by law." The Public Records Law is designed to ensure unfettered access to documents and to implement the inherent right of the public to be reasonably informed as to what public records contain and the manner, basis, and reasons upon which governmental affairs are conducted, while at the same time balancing the right of the public against the necessity for the custodian of public records to act in the public interest by protecting and preserving public records against unreasonable dangers of loss or damage, or acts detrimental to the integrity of public records. *Title Research Corp. v. Rausch*, 450 So.2d 933, (La. 1984).

There is no conflict between the Federal Privacy Act (5 U.S.C.A. Section 552a) and Louisiana's Public Records Act because the two bodies of law cannot apply to the same entities. AG Op. No. 07-0251.

Q.2. **What are Public Records?** **R.S. 44:1**.

A.2. Public Records are defined in R.S. 44:1(A)(2)(a) to include all of the following, including copies, duplicates, photographs (including microfilm or other reproductions:

- Books
- Records
- Writings
- Accounts
- Letters and letter books
- Maps
- Drawings
- Photographs
- Cards
- Tapes
- Recordings
- Memoranda

- Papers
- Documentary Materials (regardless of physical form or characteristics, and including), electronically stored information or information contained in databases, or in electronic data processing equipment)*

Note: This list is illustrative and not exclusive.

The documents must have been used, in use, or prepared, possessed, or retained for use in the following:

- Conduct, transaction, or performance of any:
  - Business
  - Transaction
  - Work
  - Duty, or
  - Function

- Conducted, transacted, or performed:
  - By or under the authority of the constitution or laws of the state
  - By or under the authority of any:
    - Ordinance, regulation, mandate, or order of any public body
  - Concerning the receipt or payment of any money received or paid by or under the authority of the constitution or laws of the state:
    - Records regarding public funds are public records; therefore, right to inspection of non-public foundations exists -- provided that inspection is limited to records regarding the public funds. *State ex rel. Guste v. Nicholls College Foundation*, 592 So.2d 419 (La. App. 1 Cir. 1991).

R.S. 44:1(A)(2)(c) declares that any blueprint or floor plan of the interior of a public school building or facility is not a "public record".

R.S. 44:3.6, provides that blueprints, floor plans, and renderings of the interior of an airport facility or of a facility on airport property or of airport infrastructure shall be confidential. The law provides that these documents, except in certain circumstances, shall not be subject to public inspection, examination, copying, or reproduction.

Documents that may otherwise be Public Records are exempted from inclusion if the Louisiana Constitution provides an exemption, such as the right to privacy afforded under Article I, Section 5. Documents may also be statutorily exempted in Title 44 Chapter 1 of the Louisiana Revised Statutes.

R.S. 44:6 mandates that the completed reports of the Legislative Auditor shall be public records and shall be available at the office of the Legislative Auditor three days after the completion of the reports.

R.S. 44:8 declares that the Louisiana Office Building Corporation is a quasi-public corporation; that all papers, documents, contracts, legal agreements, correspondence, minutes of meetings, and any other records of the corporation are matters of public record; and all books and records of the corporation are subject to audit and review by the Legislative Auditor to the same extent as those of all other state departments or agencies.

R.S. 44:11 provides for the confidentiality of certain portions of a public employee's personnel records. These items include:

- The home and wireless telephone number of a public employee
- The home address of the public employee;
- The personal email account of the public employee;
- The name and account number of any financial institution to which the public employee's wages or salary are directly deposited;
- Public employee's social security number; and
- Public employee's medical records, claim forms, insurance applications, benefit payment requests, and other health related records of the employee and their dependents.

  Additionally, the following have also been held by the courts and the Attorney General to be exempt from disclosure under the Public Records Law:
  - Tax info, including withholding information of the Public Employee;
  - Performance Evaluations; and
  - Date of Birth of the Public Employee.

R.S. 44:12.1 requires that the name, related qualifications, relevant employment history or experience of each applicant for a public position of authority or a public position with policymaking duties shall be available for public inspection, examination, copying, or reproduction as provided for in Chapter 2 of Title 44.

> Further R.S. 44:12.1(B)(1) prohibits a public body or agent acting on behalf of a public body from using **only** oral contacts and interviews of applicants considered when filling vacancies in public positions of authority or public positions with policymaking duties, or use of any other means to circumvent the provisions of this section.

Applications for alcohol permits are public records; but the names, addresses, ownership interests, social security numbers, and information on criminal

background inquiry must be redacted before disclosure of remaining application information to third parties. **AG Op. No. 05-0412**.

Q.3. **What is a Public Body?** **R.S. 44:1**.

A.3. A Public Body is defined in R.S. 44:1(A) (1) as any of the following, including any committee, subcommittee, advisory board, or task force of the following:

- Branch
- Department
- Office
- Agency
- Board
- Commission
- District
- Governing Authority
- Political Subdivision
- Instrumentality of State, Parish, or municipal government, or
- Public or quasi-public nonprofit corporations designated as an entity to perform a governmental or proprietary function.

Note: Affiliates of housing authorities are subject to public records law (R.S. 40:487 and R.S. 44:1(A)(1)) .

The nominating committee and appointing authority for public bodies are subject to the Open meetings Law and Public Records Law. AG Op. No. 16-0093; AG Op. No. 08-0148 and AG Op. No. 06-0311.

Drug courts, as quasi-public nonprofit corporations, are public bodies for the purpose of Louisiana's Public Records Law and subject to the Audit Law. AG Op. No. 06-0138.

Advisory committees of local governing authorities are subject to the Open Meetings Law and Public Records Law. AG Op. No. 08-0211A; AG Op. No. 08-0143; AG Op. 07-0261; AG Op. No. 05-0424**.**

For additional discussion of application of the Public Records Law to private entities carrying out public functions, please see the LLA's Whitepaper:

The Public Record Law & Private Entities Engaging in Public Functions.

Q.4. What is a custodian? R.S. 44:1

A.4. A custodian is defined in R.S. 44:1(A)(3) as the public official or head of any public body having custody of a public record or a representative specifically authorized to respond to requests to inspect any such public records.

The identity of the custodian of a town's records is the mayor; however, the mayor may designate the town clerk, the town attorney, or the director of finance to respond to public records requests.

C.B. Forgotson Act

R.S. 44:33.1, also known as the C.B. Forgotson Act, requires that public bodies shall make the contact information of the custodian available to the public in a manner that will allow a member of the public to quickly determine the appropriate person to whom a public records request should be submitted, including placing this contact information on the internet.

Q.5. How should the Public Records Law be interpreted?

A.5. Louisiana's Public Records Law should be interpreted liberally, with any doubt resolved in favor of the right of access. *First Commerce Title Co., Inc. v. Martin*, 887 So.2d 716 (La. App. 2 Cir. 2004).

In other words, in cases where there is any doubt as to the public's right to view a document, the courts will decide on the side of the document being open to public review.

Q.6. What documents are specifically exempted from being classified as public records under the Public Records Law?

A.6. R.S. 44:4.1 mandates that only exceptions provided for in Chapter 1 of Title 44 and within the Constitution of Louisiana are valid, and that all other exceptions, exemptions, and limitations pertaining to public records not provided for under Chapter 1 of Title 44 or the Louisiana Constitution **shall have no effect**.

R.S. 44:4.1 then lists exemptions from other titles and chapters of the Revised Statutes and State Codes that are continued into effect by incorporation into Chapter 1 of Title 44. **Please check the extensive list in R.S. 44:4.1(B)**

Unless R.S. 44:1, *et seq*. expressly exempts a record, or unless there is a recognized constitutional right, such as the right to privacy found under Art I, Section 5 **of the Louisiana Constitution, that requires exclusion of a record, all public records are generally subject to inspection and copying.**

Examples of exempted documents include:

- The work papers of the Legislative Auditor,
- Documents containing trade secrets or proprietary information,
- Documents pertaining to the security procedures, investigative techniques, or containing internal security information of a body,
    - Security camera video tapes are not exempted and are public records subject to inspection by the public; however, video of executive session may be excluded. AG Op No 05-0166.

- Accident reports, or information in accident reports, as provided in R.S. 32:398,
- Social Security Numbers of teachers,
- Blueprints or floor plans of the interior of public school buildings or facilities,
- Blueprints, floor plans, or renderings of the interior of airports, facilities on airport property, or airport infrastructure Private and unlisted phone numbers,
- Protected health information as defined in R.S. 29:762(10),
- Documentation or other information related to closed litigation claims that are provided by a State entity to the litigation subcommittee of the Joint Legislative Committee on the Budget pursuant to R.S. 24:653(H)(3)
- Investigative records (R.S. 44:3) held by attorney general, police, district attorney, etc. pertaining to pending criminal litigation, and

    - This includes videos pertaining to the investigation, which should remain confidential until final adjudication or settlement. AG Op. No. 08-0218.

    - This includes video or audio recordings generated by law enforcement officer body-worn cameras that are found by the custodian to violate an individual's reasonable expectation of privacy

    - Includes the Council on Peace Officer Standards and Training and the Louisiana Commission on Law Enforcement and Administration of Criminal Justice.

    - Includes affidavits of probable cause executed by law enforcement officers in support of arrest warrant applications. AG Op. No. 19-0169

    However, see *McKay v. State, Div. of Admin.*, 2013-1265 (La. App. 1 Cir. 3/21/14), which holds that R.S. 44:3(A)(1) applies to investigative documents in the hands of the Attorney General, not to public records

held by other agencies that the Attorney General intends to use in its investigation. The court rejected AG opinions to the contrary.

- Names of minors must be redacted from police records when presented to third parties.

  - Names of minor delinquents may be released to victims but not to third parties due to Children's Code and application under R.S. 44:4.1. AG Op. No. 06-0007.

Statutory exceptions to the Public Records Law

A complete list of the statutory exceptions to the Public Records Law can be found in R.S. 44:1, 44:2, 44:3, 44:3.1, 44:3.2, 44:3.3, 44:3.4, 44:3.5, 44:4, 44:4.1, 44:5, 44:6, 44:7, 44:10, 44:11, 44:12, 44:13, 44:15, 44:16, 44:17, 44:18, 44:19, 44:20, 44:21, 44:22, and 44:23.1.

Notable exceptions:

- R.S. 40:1379.3(A)(3), which makes it a crime for anyone to knowingly publicize or release for publication the information regarding concealed handgun permit holders, except when specific exceptions are present.

- R.S. 44:11(E) relates to the confidentiality of information in personnel records of certain public employees. The home address of a member of the Firefighters' Retirement System shall not be confidential if that information is requested by a member of the Louisiana Legislature, an agency or employer reporting information to the system, or a recognized association of system members.

- R.S. 44:4.1(B)(26) and R.S. 40:1379.1.1 provide with respect to concealed handgun permits issued by sheriffs.

- Security surveillance video of the capitol area and grounds. R.S. 44:4(50)

- Questionnaires completed by members of a petit jury venire. R.S. 44:4(49)

- Commercially sensitive information in the custody or control of a public power authority. R.S. 44:3.3

- Any tax information in the possession of the Board of Tax Appeals that is required by law to be held confidential or privileged or to any internal correspondence among the members and staff of the Board of Tax Appeals pertaining to discussion of a case being adjudicated by the board. R.S. 44:4(48)

- To allow the secretary of state or any employee or official of the Department of State to disclose electronic mail addresses or short message service numbers to an agency, official, or employee of state government or of a political subdivision of the state in the course of interaction with the Department of State. However, they may be used only for the governmental purposes for which the information was submitted or captured, and they shall not be disclosed. R.S. 12:1702

  - The exception in R.S. 12:1702 is incorporated by reference into the Public Records Law through R.S. 44:4.1(B)(5).

- Certain video or audio recordings generated by law enforcement body-worn cameras are exempt from the Public Records Law. R.S. 44:3(I)

- Certain records (licensee fitness and examination questions) of the State Licensing Board for Contractors are exempt from the provisions of the Public Records Law. R.S. 44:4(51) and (52)

- Confidentiality of Records disclosed to or by the Commissioner of Insurance during the course of an insurance receivership are confidential. R.S. 44:4.1(B)(11)

- Several exemptions exempt papers of the insurance commissioner related to insurance fraud and unfair trade practices, the anti-fraud plan of insurers and health maintenance organizations, work papers related to self-insurance funds; privileged communications related to police power of municipalities and parishes for code enforcement officers including animal control; reports from agency head under governmental ethics; and records of the coroner's office related to health intervention.

- School crisis management and response plans. R.S. 44:3.1(B)

- Writings, records or reports of cyber incidents or payment of cyber ransoms submitted to the Louisiana Fusion Center pursuant to R.S. 51:2114 shall not be considered public records for sixty days from the date of submission to the commission. After the sixty days, the records would then be subject to the provisions of the Public Records Law, if no other exemption applies.

  Further information that constitutes critical infrastructure information as defined in 6 U.S.C. §671, regardless of whether the information has been shared with any federal governmental agency, shall not be considered public records. R.S. 44:4.1(D)

- Cybersecurity plans, financial security procedures, or the assessment or implementation of such plans and procedures required under R.S. 39:372(D) for State Executive Branch agencies, boards, and commissions. R.S. 44:4(59)

- Registration information provided to the Secretary of State by providers that manage a public body's information technology structure, security, or end-user systems. R.S. 51:2113(E)

  - The exception in R.S. 51:2113(E) is incorporated by reference into the Public Records Law through R.S. 44:4.1(B)(35).

- The following records enumerated under R.S. 51:2370.16 related to the Granting Unserved Municipalities Broadband Opportunities (GUMBO) program:

  - Providers' trade secret and proprietary information, including coverage data, maps, and shapefiles;
  - Information regarding unserved coverage areas not yet awarded or announced; and
  - Applications pending evaluation.

  - The exception in R.S. 51:2370.16 is incorporated by reference into the Public Records Law through R.S. 44:4.1(B)(25).

- The following information concerning Unclaimed Property:
  - The specific monetary value and name of a company that remits assets held in the State Treasury pursuant to the Unclaimed Property Act of 1997, except as provided in R.S. 9:161. R.S. 44:4(59)
  - The following identification information submitted by a claimant of property held in the State Treasury pursuant to the Unclaimed Property Act of 1997, except as provided in R.S. 9:161: R.S. 44:4(60)

    - Name;
    - Address;
    - Telephone Number;
    - Email Address;
    - Social Security Number;
    - Driver's License Number; or
    - Copy of a license or other form of identification.

- Records, files, documents and communications, and any information contained therein, that are made, generated, received, or maintained by or in connection with a peace officer and public safety personnel peer support program or session conducted by a trained peer support member, or relating to the personal information of approved peer support members by the Louisiana Commission on Law Enforcement and Administration of Criminal Justice. R.S. 44:4(59).

- Camera footage from self-contained classroom or special education settings recorded pursuant to R.S. 17:1948. R.S. 17:1948(D)(1)

- The exception in R.S. 17:1948 is incorporated by reference into the Public Records Law through R.S. 44:4.1(B)(9).

- **R.S. 44:22.2** provides an exemption to the Public Records Law for records of a local government that pertain to "an active negotiation with a person for the purpose of a proposed project involving the retention, expansion, or attraction of further economic development within the local government's jurisdictional boundaries" if the person requests such confidentiality in writing at the outset of the negotiations.
  - The CEO of the local government will make the determination, with an affirmative vote of the local governing authority at an Open Meeting, that the information, if disclosed, would have a detrimental effect on the negotiations.
  - The local government must publish on its website and in its office journal a notice containing general information regarding each notice to which records are made confidential pursuant to this law no later than 5 days after the determination of confidentiality.
  - Information remains confidential until negotiations have concluded or for no more than 12 months after the CEO's acceptance. However, if the negotiation remains active, the CEO may make a new determination that the information should remain confidential for an additional 12 months. Under no circumstances shall the information remain confidential for more than 24 months.

- **R.S. 44:11.2** limits access to certain Personal Identifiable Information (PII) of current and retired members of the state and federal judiciary as well as other "protected individuals," which includes state and federal magistrates, current and retired district attorneys, assistant district attorneys and district attorney investigators, current members of the legislature, current statewide elected officials, current members of the public service commission, and commissioners/hearing officers of district courts.



- R.S. 44:4(65), enacted by Act 242 of the 2026 Regular Session (eff. 08/01/26) exempts certain records in the custody of the clerk of court filed as evidence in criminal proceedings from disclosure.

- R.S. 44:4.1(B), as amended by Act 284 of the 2026 Regular Session (eff. 08/01/26), limits disclosure of juror information (including names and Personal Identifiable Information) in certain circumstances.

- R.S. 44:3.7, as enacted by Act 596 of the 2026 Regular Session (eff. 08/01/16), exempts records, including resumes and applications, concerning applicants for certain administrative and head coaching positions at colleges and university. The statute provides that applicants may waive confidentiality and that the top three finalists' name shall become public once the final applicant has been chose.

Q.7. How does the Constitutional Right of Privacy apply to Public Records?

A.7 The constitutional right of privacy in Louisiana arises from Article I, Section 5 of the Louisiana State Constitution, which states, "every person shall be secure in his person, property, communications, houses, papers, and effects against unreasonable searches, seizures, or **invasions of privacy**." The court has consistently held that the right to privacy in Louisiana can be described as the right to be left alone and to be free from unnecessary public scrutiny. *DeSalvo v. State*, 624 So.2d 897 (La. 1993). The right, however, like other personal rights, may be lost in many ways -- by express or implied waiver or consent, or by a course of conduct that prevents assertion. *Parish Nat. Bank v. Lane*, 397 So.2d 1282 (La. 1981). The right of privacy is also limited by society's right to be informed about legitimate subjects of public interest. *Id*.

The right to privacy applies only when one has a **reasonable expectation** of privacy in the matter sought to be protected. *Capital City Press v. East Baton Rouge Parish Metropolitan Council*, 696 So.2d 562 (La. 1997). In order for the expected privacy to be reasonable and thus constitutionally protected, the expectation must not only be an actual or subjective expectation of privacy, but also of a type that society at large is prepared to recognize as being reasonable. *State v. Ragsdale*, 381 So.2d 492 (La. 1980).

Louisiana Supreme Court holdings on whether or not a balancing test should determine if a public record should be exempted from inspection on privacy grounds have been inconsistent. In *Capital City Press* (1997) the court held that a balancing test was inappropriate, ruling that applications for assistant director positions for the metropolitan airport were public records and subject to inspection and not protected by a constitutional right to privacy. Ten years later, the court held in *Copeland v. Copeland*, 966 So.2d 1040 (La. 2007) that a balancing test was appropriate, balancing the public's interest in right to inspect public records and the individual's interest in right to privacy, ruling that divorce records were public records and subject to inspection upon necessary redaction of information for the protection of the children.

In *Trahan v. Larivee*, 365 So.2d 294 (La. App. 3rd Cir. 1979) the court held that privacy provisions exempted from inspection the performance evaluation of a public employee. However in *Hilbun v. State, ex rel. Division of Administration*, 745 So.2d 1189 (La. App. 1st Cir. 1999), the court held that the investigative report concerning the alleged improprieties of a state employee, which contained statements from co-employees, was not entitled to protection under the right of privacy.

The court in *Capital City Press* held that absent statutory authorization, if the Legislature has spoken on an issue (e.g., employee records) and has not chosen to

exempt a specific type of record (e.g., employee applications), then the court will not read into the constitution a right of privacy for those records and will hold that the individual has no objective expectation of privacy in regard to those records. Given this difference in the court's view of an appropriate test, and the apparent difference in the level of acceptance in recognizing a constitutional right of privacy, each case should be treated individually, considering all the facts and circumstances of the situation. The court (although applying varying tests) appears to favor disclosure over individual privacy rights, seemingly under the *Lane* ruling that privacy rights can be waived expressly, implicitly, or through a course of conduct.

For additional information on public records and privacy in the workplace, please see the LLA's Whitepaper here.

Q.8. **Are records involved in legislative investigations subject to public records requests?** R.S. 44:2

A.8. No, R.S. 44:2 exempts records, writings, accounts, letters, letter books, photographs or copies of books, in the custody or control of the legislature, either house or any committee or officer, and that concern or hold relative to any case, cause, charge, or investigation being conducted through the legislature, or either house or any committee, until after the case, cause, charge or investigation has been fully disposed of.

Q.9. **Are there any exceptions for proprietary or trade secret information submitted to the Department of Economic Development?** R.S. 44:3.2(C)

A.9. Yes, R.S. 44:3.2(C), states that the Public Records Law shall not be construed to require the disclosure of proprietary or trade secret information that has been submitted to the Department of Economic Development for economic development purposes.

Q.10. **Are the work papers of the Legislative Auditor or the State Child Ombudsman subject to inspection or reproduction under the Public Records Law?** R.S. 44:4(6)

A.10. No. The public records law shall not apply
(a) "To any records, writings, accounts, letters, letter books, photographs or copies or memoranda thereof, in the custody or control of the legislative auditor, unless otherwise provided;
(b) To any records, writings, accounts, letters, letter books, photographs, or copies or memoranda thereof in the custody or control of the state child ombudsman, unless otherwise provided.

(c) To the actual working papers of the internal auditor of a municipality until the audit is complete, unless otherwise provided." R.S. 44:4(6)

Q.11. Are there exemptions for the books and records of the Governor? R.S. 44:5

A.11. Prior to Act 145 of the 2015 Regular Session, R.S. 44:5 exempted the books, records, writings, accounts, letters, letter books, photographs or copies thereof, ordinarily kept in the custody or control of the Governor in the usual course of the duties and business of his/her office, or to those having been used, being in use, or prepared, possessed, or retained for use by or on behalf of the Governor in the usual course of the duties and business of his office.

As of January 11, 2016, R.S. 44:5, as amended in 2015, declares the records of the Office of the Governor to be public records subject to the provisions of the Public Records Law for all in-coming governors. Further records of the Office of the Governor related to fiscal or budgetary matters, including but not limited to records of communications between the Legislative Auditor's office and the Office of the Governor related to fiscal or budgetary matters, shall be public records.

Intraoffice communications between the Governor and his internal staff may be privileged from disclosure. The Office of the Governor is defined for the purposes of R.S. 44:5 to only include the Governor, his Chief of Staff, Deputy Chief of Staff, and Executive Counsel. Internal staff is defined to include the Governor's Chief of Staff, Deputy Chief of Staff, Executive Counsel, and Director of Policy, but shall not include any employee of any other agency, department, or office.

Additionally, as of June 4, 2024, records regarding the schedules and transportation of the Governor and his/her family which may contain security details may be held confidential for an unlimited time following an event. The Governor is also permitted to keep a record concerning a meeting or event that he/she attends and transportation related information privileged for an unlimited time after the occurrence of the meeting or event.

Finally, R.S. 44:31.1(B) provides that only a person who resides in the State and who otherwise meets the requirements to make a Public Records Request, may request records from the office of the governor.

- The custodian of records for the office of the governor may request sufficient information to establish the requestor's identity, age and residency.
- The information received to establish the requestor's identity, age and residency shall not be a public record and will be destroyed within 1 year of the final disposition of the request.

Q.12. Are there exemptions for the books and records of other Statewide elected officials?

A.12. R.S. 44:5.1 provides that records regarding the schedules and transportation of the Statewide elected officials, or an employee in his office, which may contain security details may be held confidential for up to seven days following the event. Statewide elected officials are:

- Lt. Governor
- Secretary of State
- Attorney General
- Treasurer
- Commissioner of Agriculture
- Commissioner of Insurance

II. General Provisions

Q.13. What rights does an individual have to examine public records?

A.13. Article XII, Section 3 of the Louisiana Constitution's mandate that "No person shall be denied the right to observe the deliberations of public bodies and **examine public documents**, except in cases established by law" provides the origin for an individual's right to examine public records. Further, R.S. 44:31 states that it is the responsibility and duty of the appointive or elective office of a custodian and his or her employees to provide access to public records.

Q.14. Who is entitled to make a public records request? **R.S. 44:31**.

A.14. Except as otherwise provided for by law, any person of the age of majority may inspect, copy, or reproduce any public record, and **any** person may obtain a copy or reproduction of any public record.

R.S. 44:31.1 limits the definition of person to exclude individuals in custody after sentencing following a felony conviction who has exhausted his appellate remedies if the request is not limited to grounds upon which the individual could file for post-conviction relief under Code of Criminal Procedure Article 930.3.

The limitation of R.S. 44:31.1 does not extend to the attorney representing the incarcerated felon. *Boren v. Taylor,* 16-2078 (La. 6/29/17) 223So.3d 1130.

The number or length of records that an individual may request is unlimited, except that the record must be available. The individual's right is not impaired by use of the records to publish or distribute the information in a manner critical to the public body. **AG Op. No. 93-0482**, AG Op. No. 09-0298.

R.S. 44:31.1(B) provides that only a person who resides in the State and who otherwise meets the requirements to make a Public Records Request, may request records from the office of the governor.

- The custodian of records for the office of the governor may request sufficient information to establish the requestor's identity, age and residency.
- The information received to establish the requestor's identity, age and residency shall not be a public record and will be destroyed within 1 year of the final disposition of the request.

Q.15. Who carries the burden of proving that a record is not subject to inspection? **R.S. 44:31**.

A.15. The burden of proving that a public record is not subject to inspection, copying, or reproduction **rests with the custodian**.

Q.16. What must be included in a request for public records?

A.16. The request need not include specific name or type of document requested; it is sufficient that requester gives reasonable description of information sought. *Nungesser v. Brown* 664 So.2d 132, (La. App. 1 Cir. 1995). * reversed on other grounds.

The request may be made in person during regular business hours or requested by letter. *Elliot v. District Attorney of Baton Rouge*, 664 So.2d 122 (La. App. 1 Cir. 1995).

For in person requests, the custodian may ask for and examine proof of identification, such as the requestor's driver's license, but may not retain a redacted copy of the license. If the requestor voluntarily submits a copy of their proof of identification as part of an electronic public records request, the custodian may retain the submitted copy. The custodian may request contact information, in order to contact the requestor if the requested documents are not currently available; however, the custodian may not require providing of contact information as a condition for responding to a public records request.

AG Op. No. 17-0056A

Q.17. To whom should a request for public documents be made?

A.17. All requests for public documents should be directed to the custodian of the particular public record.

Q.18. What are the duties of the custodian? **R.S. 44:31, 44:32, 44:33**.

A.18. R.S. 44:31 states that it is the responsibility and duty of the appointive or elective office of a custodian and his/her employees to provide access to public records. R.S. 44:32 requires that the custodian present any public record to any person of

the age of majority who so requests. Further, the custodian shall make no inquiry of any person who applies for a public record, except an inquiry as to the age and identification of the person.

A custodian may make inquiries as to whether an individual falls within the exclusions of R.S. 44:31.1 concerning requests from individuals in custody for a felony conviction who have exhausted their appellate remedies, or the residency of a requestor seeking records of the governor. The custodian can inquire as to whether the requestor is in custody for a felony conviction, has exhausted his appellate remedies, and whether the request is limited to grounds for post-conviction relief under CCRP 930.3.

R.S. 44:32 provides that the custodian shall be permitted to make an inquiry regarding the specificity of the records sought by the applicant, if, after review of the initial request, the custodian is unable to ascertain what records are being requested.

The custodian shall extend to the requestor all reasonable comfort and facility for the full exercise of the right granted under Chapter 2 of Title 44, provided that nothing prevents the custodian from maintaining such vigilance as is required to prevent alteration of any record while it is being examined.

If any record contains material that is not a public record, the custodian may separate the nonpublic record and make the public record available for examination.

For all public records, it is the duty of the custodian of the public records to provide copies to persons requesting unless the requestor fails to pay the applicable copying fees after being notified of the amount in advance of production or the requestor has an outstanding balance from a prior request.

The custodian is required to use reasonable means to notify the public that information submitted to the public body may become a public record pursuant to the Public Records Law. R.S. 44:33.1(B).

No fee may be charged to any person to examine or review any public records, except as provided for under R.S. 44:32(C), and **no fee may 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.**

If a record is requested and the custodian raises a question regarding whether or not the requested record is a public record, the custodian must within five (5) days, exclusive of Saturdays, Sundays, and legal public holidays, of receipt of the request, notify in writing the person making the request of the custodian's determination

and reasons therefor. The written notification shall contain a reference to the basis under the law that the custodian has determined exempts the record, or any part of the record, from inspection, copying, or reproduction.

Under R.S. 44:33 a custodian must segregate any requested public record from the other records under his/her custody so that the public can reasonably view the requested record.

> If 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.

See AG Op. No. 09-0298 for a discussion of the duties of the custodian.
The custodian, under the language of R.S. 44:32(B), has discretion on whether to separate or redact nonpublic material from an otherwise public record prior to examination by a requestor, unless the custodian is legally prohibited from disclosing the nonpublic information. AG Op. No. 17-0056A

C.B. Forgotson Act

R.S. 44:33.1, also known as the C.B. Forgotson Act, requires that public bodies shall make the contact information of the custodian available to the public in a manner that will allow a member of the public to quickly determine the appropriate person to whom a public records request should be submitted, including placing this contact information on the internet.

Q.19. What requirements may a custodian place upon a requestor of public records?
R.S. 44:32*

A.19. A custodian may require a person to sign a register but shall not review, examine, or scrutinize any copy, photograph, or memoranda in the possession of any person requesting public records.

For in person requests, the custodian may ask for and examine proof of identification, such as the requestor's driver's license, but may not retain a redacted copy of the license. If the requestor voluntarily submits a copy of their proof of identification as part of an electronic public records request, the custodian may retain the submitted copy. The custodian may request contact information, in order to contact the requestor if the requested documents are not currently available; however, the custodian may not require providing of contact information as a condition for responding to a public records request.

AG Op. No. 17-0056A

A custodian of public records, not of a state agency, may establish and collect reasonable fees for making copies of public records, which may include the transmission of electronic copies If a custodian elects to establish and collect fees for copies, the custodian shall establish a reasonable fee schedule and post the schedule where it can be readily accessed by the public.

The custodian of public records of a state agency shall charge fees for copies, according to the uniform fee schedule adopted by the commissioner of administration as provided by R.S. 39:241.

The custodian of any public records **may** furnish copies without charge or at a reduced charge to indigent citizens of the state.

> Custodians of public records of state agencies **may** also furnish free copies or at reduced charge for individuals whose use of the 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.

The custodian may require that examination of public documents occur during regular office and working hours or may authorize examination at other times, with any additional costs for staffing paid out of funds paid in advance by the person examining the public records outside of regular office and working hours.

As of August 1, 2024, R.S. 44:32(C)(2)(b) provides that a public postsecondary education institution shall furnish public records at no charge to student-produced media outlets affiliated with the institution and funded by student fees.

Q.20. When must a custodian present the requested record for examination or production? R.S. 44:33.

A.20. The custodian shall immediately present to a requestor any public record that is immediately available and not in use. If the record is not immediately available, i.e., is in active use at the time of the application requesting it, the custodian shall promptly certify the unavailability of the record to the requestor in writing, and in this certificate fix a day and hour within three (3) days, exclusive of Saturdays, Sundays, or legal holidays, for the exercise of the requestor's right to examine or receive a copy of the record.

Q.21. May a custodian deny a request for public records if the request would substantially disrupt government operations? R.S. 44:32(B)(2)

A.21. If the custodian reasonably determines that the request would substantially disrupt required government operations, the custodian may deny access only after reasonable attempts to narrow or specify the request with the requestor.

Custodians of public records should consult with their legal counsel in responding to public records requests.

Q.22. What if the record is not currently in the possession of the custodian?

R.S. 44:34.

A.22. R.S. 44:34 requires that the custodian of a requested public record that is currently not in the custody or control of the custodian promptly certify in writing to the requestor the absence of the record, citing the reason for the absence of the record from the custodian's custody or control, the current location of the record, the person who has current custody or control of the record, and the exact time at which the record was taken from the custodian's custody or control, to the best of his/her knowledge and belief. The custodian shall also include in the certificate ample and detailed answers to inquiries of the applicant that may facilitate the exercise of the right granted by Chapter 2 of Title 44.

Q.23. Who is the custodian of a public record used by two or more different agencies?

A.23. A public record may have more than one custodian when that record is used by more than one public agency. In *Shane v. Parish of Jefferson, et al,* 2014-2225 (La. 12/8/15), 209 So.3d 726, the Louisiana Supreme Court interpreted the definition of "custodian" in La. R.S. 44:1, which provides "the public official or head of any public body having custody or control of a public record" to mean that "custody" under the statute "may be a mere physical possession" for purposes of determining a custodian of a public record. The Court found this conclusion supported by the fact that the definition of "public records" is not limited to originals, but includes "all copies, duplicates, photographs, including microfilm, or other reproductions." La. R.S. 44:1(A)(2)(a). The Court reasoned that public records custodian includes not only the original custodian, but also subsequent public officials who have obtained custody of the record. This reasoning is consistent with the legislative goal that all doubts regarding public records requests be resolved in favor of the public's expansive and unrestricted right to access.

Q.24. May the requestor specify a format for provision of the record?

A.24. The third circuit court held that a Requestor was entitled to have records of city employee's e-mail account be electronically reproduced on compact disc (CD), digital video disc (DVD), or flash drive pursuant to a Public Records Act request, despite claim that permitting electronic reproduction would allow members of the public to undetectably alter the copies they received, where requester provided the medium at his own cost, no law existed restricting the reproduction of records in digital format, and records reproduced on hard copy had potential to be altered as well. *Johnson v. City of Pineville*, App. 3 Cir.2009, 9 So.3d 313, 2008-1234 (La. App. 3 Cir. 4/8/09).

Q.25. What rights does an individual have if denied his or her right to inspect a public record? **R.S. 44:35**

A.25. R.S. 44:35 provides that a person who has been denied the right to inspect, copy, reproduce, or obtain a copy or reproduction of a record either by a determination of the custodian or by the passage of five days, exclusive of Saturdays, Sundays, and legal public holidays, from the date of his in-person, written, or electronic request without receiving a determination in writing by the custodian or an estimate of the time reasonably necessary for collection, segregation, redaction, examination, or review of a records request, may institute proceedings for the issuance of a writ of mandamus (court order compelling the custodian to act), injunctive, or declaratory relief, as well as payment of attorney's fees, costs, and damages as provided for under R.S. 44:35. The proceedings must be filed in the district court for the parish in which the office of the custodian is located.

If a person seeking the right to inspect, copy, or reproduce a record or to receive or obtain a copy or reproduction of a public record prevails at court, he or she shall be awarded reasonable attorney fees and other costs of litigation. If the person prevails in part, the court has discretion to award reasonable attorney fees or an appropriate portion thereof.

Q.26. What is the penalty for violation of the Public Records Law? **R.S. 44:37**

A.26. Any person having custody or control of a public record, who violates any of the provisions of Chapter One of Title 44, or any person not having 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 that chapter to be subject to inspection, shall **upon first conviction** be fined not less than one hundred dollars (**≥$100**), and not more than one thousand dollars (**≤$1,000**) , **or** shall be imprisoned for not less than one month, nor more than six months (**1 – 6 months**).

Subsequent convictions shall be fined not less than two hundred fifty dollars (**≥$250**) and not more than two thousand dollars (**≤$2000**), or imprisoned for not less than two months, nor more than six months (**2-6 months**), **or both.**

R.S. 14:132 makes it a criminal offense for the intentional removal, mutilation, destruction, alteration, falsification, or concealment of any record, document, or other thing:

> Filed or deposited, by authority of law, in any public office or with any public officer; or
> Defined as a public record pursuant to R.S. 44:1, *et seq*. and required to be preserved in any public office or by any person or public officer pursuant to R.S. 44:36.

R.S. 14:133 makes it a crime to file a false public record. The statute defines the filing of false public records as:

> "The filing or depositing for record in any public office or with any public official, or the maintaining as required by law, regulation, or rule, with knowledge of its falsity, of any of the following"
> - Any forged document
> - Any wrongfully altered document
> - Any document containing a false statement or false representation of a material fact.

The penalty clause found in R.S. 14:133(C) applies to both the "filing" and "maintaining" of false public records. **AG Op No 04-0248**.

R.S. 15:1352 adds injuring public records and filing or maintaining false public records to the Louisiana Racketeering Act which applies additional criminal penalties.

Q.27. What damages may be awarded in a suit filed pursuant to R.S. 44:35?

A.27. If the court finds that the custodian
- arbitrarily and capriciously withheld the requested record, or
- unreasonably or arbitrarily failed to respond to the request as required by R.S. 44:32.

The court may award the requestor:
- Any actual damages (proven by the requestor to have resulted from the actions of the custodian)
- Civil penalties **not to exceed one hundred dollars per day**, exclusive of Saturdays, Sundays, and legal public holidays for each day of the custodian's failure to give notification.
  - ❖ Awarded only when the custodian fails to respond. See *Aswell v. Divisions of Administration, State of Louisiana*, 2015-1851 (La.App. 1 Cir. 06/03/16), 196 So.3d 90, 96

If the requestor prevails in his/ her suit against the custodian, then he/she **shall be awarded reasonable attorney's fees and other costs of litigation***.

R.S. 44:35(D)

* This may include other legal actions required in conjunction with the suit for denial of public records, including additional costs incurred in appeals. See Coleman v Parish of Bossier, 56,179 (La. App. 2 Cir. 04/09/25) 2025 WL 1062657

Q.28. Who is liable for damages or payment of attorney's fees and costs of litigation under a suit for denial of rights under the Public Records Law? R.S. 44:35(E)(2)

A.28. As of May 23, 2024, R.S. 44:35(E)(2)removes personal liability from the custodian for the payment of any damages awarded. Now, only the public entity shall be liable for all penalties assessed by a court concerning violations of the Public Records Law, including those attributable to the custodian.

Q.29. Who may bring suit under R.S. 44:35?

A.29. Only the person who requests to inspect or copy a public record and is denied that right has a right of action. *Vourvoulias v. Movassaghi*, 906 So.2d 461 (La. App. 1st Cir. 2005).

The language of R.S. 44:35 provides that "**any person**" may institute proceedings, so even individuals who make requests in their "**official capacity**" may bring suit if denied right to inspect or copy public records. *Nungesser v. Brown*, 664 So.2d 132 (La. App. 1st Cir. 1995). * reversed on other grounds.

Q.30. Does the custodian of records receive immunity from suit for invasion of privacy? **R.S. 44:42**

A.30. R.S. 44:42 provides that any custodian who releases records in response to a public records request made pursuant to this Chapter shall be immune from any lawsuit for invasion of privacy alleged to be caused by the release of public records, provided the custodian acts on advice of counsel.

The statute further provides that a custodian who claims the immunity shall be entitled to a presumption that his conduct was not arbitrary and capricious upon presenting a prima facie case of his reliance on advice of counsel.

For purposes of this statute, "advice of counsel" means a determination by the custodian's selected attorney, or if the custodian is an attorney, upon the custodian's own diligent determination in his capacity as attorney.

Q.31. Who has a duty to preserve public records? **R.S. 44:36**

A.31. 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 public record for the period or periods of time specified for such public records **by law** for public records or in formal records retention schedules eveloped and approved by the state archivist and director of the division of archives, records management, and history of the Department of State.

R.S. 44:39 and 44:40 allow for electronic conversion of all public documents. The policies and procedures for this conversion and retention of original documents and digital backups are established by the Department of State Archives. AG Op. No. 05-0408; See also AG Op. No. 08-0140.

For additional information on retention of public records, please review the LLA's FAQ on Records Retention.

Q.32. How long must public records be preserved? **R.S. 44:36**

A.32. The records retention period depends primarily on the nature of the record.

R.S. 44:36 requires that all persons or public bodies that have custody or control of any public record, other than those such as conveyance, mortgage, and other similar permanent records that are required to be preserved forever by law, must maintain the record **for the period specified by law.**

If the law does not prescribe a particular period of time for the record to be retained, the public records must be preserved and maintained for a period of at least three years from the date on which the public record was made, **except when an agency as defined in R.S. 44:402, has an approved retention schedule pursuant to R.S. 44:36(B).**

> The Secretary of State's Office cautions against disposal of records as Federal guidelines may require extended periods of preservation, thus making imperative the creation of a formal retention schedule.

R.S. 44:36(B) provides that all agencies as defined in R.S. 44:402 shall keep all records for the time specified in 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, pursuant to the provisions of R.S. 44:411.

- R.S. 44:402(5) defines "Agency" as:

  …state, parish and municipal office, department, division, board, bureau, commission, authority, or other separate unit of state, parish, or municipal government created or established by the constitution, law, resolution, proclamation, or ordinance.

R.S. 44:411 requires these entities to develop and submit a records retention schedule (a listing of their agency's records with the retention requirements to meet their administrative, legal and financial needs) for review and approval by the State Archives.

For additional information on retention of public records, please review the LLA's FAQ on Records Retention.

Q.33. How is a formal retention schedule created?

A.33. Agencies (State or local) should contact the Secretary of State's Office or visit www.sos.la.gov to establish a formal retention schedule regarding the entity's individual records.
For additional information on retention of public records, please review the LLA's FAQ on Records Retention.

Q.34. Do local inspectors general and ethics review boards have any extra confidentiality protection?

A.34. Yes, R.S. 33:9613(A)(3) and 33:9613(A)(4), 33:9614(B) and (C), provide that any material, records, data and information compiled by an office of inspector general in an investigation, examination, audit, inspection, or performance review is confidential and privileged and not subject to public records law until the investigation, examination, audit, inspection, or performance review is complete.

R.S. 33:9614(E), relative to the Legislative Auditor, provides that the LLA shall have the authority to examine, audit, inspect or copy all records compiled, prepared or obtained by the ethics entity, ethics review board or office of the inspector general, including but not limited to all books, accounts, papers, documents, records, files, instruments, films, tapes, or any other forms of recordation, including but not limited to computers and recording devices, whether confidential, privileged, or otherwise. However, the LLA shall comply with all restriction imposed by law on documents, data, or information deemed confidential and privileged by law and furnished to the legislative auditor.

Q.35. Does the Public Records Law apply to private entities?

A.35. In some case, the Public Records Law may apply to private entities. The Louisiana Supreme Court recently extended the Public Records Law to private entities engaged in public functions. *New Orleans Bulldog Society v. Louisiana Society for the Prevention of Cruelty to Animals,* 16-1809 (La. 5/3/17); 222So.3d 679. The Court held that the contractual agreement between the LASPCA, a private, non-profit corporation, and the City of New Orleans, wherein the LASPCA provided mandated city services regarding animal control, made the LASPCA an instrumentality of the City. As an instrumentality of the government, the Court found that the LASPCA was a quasi-public entity subject to the Public Records Law. The functionality test created by the Court is fact specific and distinguishes between a private entity providing services to a public entity and those engaged in performing public functions on behalf of the public entity. For more information on this case please see the LLA's White Paper **[Click here]**

Q.36. What resources on Public Records Law are available online?

A.36. Several resources are available online.

The LLA's FAQ on Records Retention can be viewed here.

The ***Attorney General's Office*** has a summary that can be viewed here.
R.S. 44:31.2 requires the Attorney General to create a Public Records awareness program for the education of the general public, public bodies and custodians regarding the provisions of the Public Records Law.
The ***Public Affairs Research Council of Louisiana's*** **(PARC)** ***website on*** **Public Records** information can be seen here.

PARC also has a webpage on "Citizens' Rights under Louisiana's Sunshine Laws" which can be viewed here.

Tulane's Environmental Law Clinic has a brief summary here.

Recent AG Opinions:

NEW 2026

AG Op. No. 25-0056 – Where requests meet the criteria for public records, the fact that the requestors are a public body board member and a police juror does not exempt them from being charged a reasonable fee for the copying of those public records by a district attorney's office. Note: in the fact-pattern of this opinion, the public body board member and police juror were making requests for records from the district attorney's office, not the public body or parish, respectively.

AG Op. No. 24-0152 – Certificates of general liability and workers' compensation insurance submitted to the State Licensing Board for Contractors are not exempted and therefore are public records subject to public review under the Public Records Law.

AG Op. No. 22-0117 – Separate data maintained in a private third-party vendor's computer system that is not used, mandated, stored, accessible, or owned by a public entity is not a "public record" as it is not used, prepared, possessed, or retained for use in the performance of work performed by the public entity. A public entity is only required to provide a requested public record in the format that it receives from a third-party vendor.

AG Op. No. 21-0147 –HIPAA does not apply to a decedent. Therefore, a coroner may disclose an autopsy report without violating HIPAA. However, the decision to disclose an autopsy report is within the coroner's discretion as, pursuant to R.S. 44:19, a coroner cannot be compelled to disclose autopsy reports. The Attorney General advises that coroners who wish to disclose autopsy reports may adopt procedures to protect and/or address any privacy concerns the coroner may have regarding the information within the autopsy reports.

AG Op. No. 21-0052 - Discusses the requirements of R.S. 44:39 concerning the digitization of records.

AG Op. No. 19-0006 – R.S. 44:36 requires public bodies to preserve and maintain original records for the period of time specified in the formal retention schedule. If no formal retention period exists, the original must be preserved for a period of at least three years from the date on which the record was made.

AG Op. No. 17-0084 - Generally information concerning a public body's pharmacy benefit plan, such as prescription numbers, drug codes, drug names, total prices for medications, and total tax figures, are subject to production under the Public Records Law. If the information contains any identifying information of an employee or information protected under the Constitutional Right of Privacy (Article I, §5) or other privacy laws, the protected information must be first redacted prior to production. AG Op. No. 17-0084

AG Op. No. 17-0056A - For in person requests, the custodian may ask for and examine proof of identification, such as the requestor's driver's license, but may not retain a redacted copy of the license. If the requestor voluntarily submits a copy of their proof of identification as part of an electronic public records request, the custodian may retain the submitted copy.

The custodian may request contact information, in order to contact the requestor if the requested documents are not currently available; however, the custodian may not require providing of contact information as a condition for responding to a public records request. The custodian, under the language of R.S. 44:32(B), has discretion on whether to separate or redact nonpublic material from an otherwise public record prior to examination by a requestor, unless the custodian is legally prohibited from disclosing the nonpublic information.

AG Op. No. 17-0044 – A person who makes a valid public records request to inspect documents and at the time of inspection uses a personal hand-held scanner to copy said public records is not obligated to pay a fee for each page copied.

AG Op. No. 16-0061 – Payroll records of municipal employees, including hours worked, leave accumulated, and time taken through leave procedures, are public records and subject to inspection, as long as proper redactions are made to protect personal, private information.

AG Op. No. 15-0056 – If the assessment rolls of an assessor are maintained in a manner which permits a copy to be easily made onto a disc, the assessor must provide an electronic copy of the records in response to a public records request and may assess a reasonable fee, notwithstanding the fact that the assessor also maintains the information electronically in a searchable database on its website.

The Public Records Law is not designed to recoup costs incurred by a public entity in preparing records requested and a "reasonable fee" allowed under the law does not include the original costs of generation of the information or the actual value of the information. A "reasonable fee" includes, at a minimum, the actual costs for making the copies.

An individual may also submit a public records request to a clerk of court or a sheriff in order to obtain copies of information currently in their possession which was provided to them from the assessor, which were received and maintained in the ordinary course and scope of business by the sheriff or clerk of court, and which is not otherwise confidential in nature, in lieu of seeking copies from the assessor.

AG Op. No. 15-0085 – A Type 3 charter school must disclose the name of an admissions exam used in the course of evaluating students for admission in response to a public records request. The school may however deny requests for access to the contents of the exam, as the contents of the exam are excepted from public review under the Public Records Law.

AG Op. No. 15-0086 - The Advocacy Center is a non-profit entity performing a governmental function and receiving public funds. As such, it is considered a quasi-public body subject to the Public Records Law (La. R.S. 44:1 et seq.), but only to the extent that its records and/or documents are connected to the receipt or expenditure of public funds.

AG Op. No. 15-0080 - A 501(c)3 Volunteer Fire Department (VFD) is generally not a public entity. A VFD performing a governmental function and receiving public funds is considered a public body subject to the Louisiana Public Records Law (La. R.S. 44:1 *et seq*.), but only to the extent that its records are connected to the receipt or expenditure of public funds. Further, a VFD is considered a quasi-public entity subject to the Audit Law (La. R.S. 24:511 *et seq*.), if it meets at least one of the elements enumerated in La. R.S. 24:513(A)(1)(b)(i)-(v). However, a VFD is not subject to the Public Bid Law (La. R.S. 38:2211 *et seq*.), Open Meetings Law (La. R.S. 42:1 *et seq*.), or the Local Government Budget Act (La. R.S. 39:1301 *et seq*.).

AG Op. No. 14-0204 - The dates and times that law enforcement personnel cross the Greater New Orleans Expressway's Causeway toll bridge are protected from disclosure under the Public Records Law pursuant to La. R.S. 44:4(30).

AG Op. No. 14-0170 - Inmate intake records donated to the Louisiana State Penitentiary Foundation by the Louisiana State Penitentiary, which have expired beyond their required retention and which have been confirmed by the custodian as constituting information of a general nature as described by La. R.S. 15:574.12(G), may be used and exhibited at the Louisiana State Penitentiary Museum, subject to any limitations set forth in the act of donation.

AG Op. No. 14-0169 - East Side Water System, Inc., a non-profit corporation, is not subject to Louisiana's Open Meetings Law or Public Records Law. However, members of

East Side Water System, Inc. have the right to be given notice of meetings and attend such meetings, as set forth by La. R.S. 12:229, the Articles of Incorporation and By-laws and have the right to review records of the corporation, as authorized by La. R.S. 12:223.

AG Op. No. 14-0163 - Addresses various questions which have arisen in the City of Mandeville upon receipt of a public records request for documents created or received by elected officials and a member of an advisory board on privately owned electronic devices

AG Op. No. 14-0074 - In general, materials submitted by candidates who wish to be considered for employment with Lycée Français de la Nouvelle-Orléans, a public charter school, are public records subject to inspection under the Public Records Act. The names of the individuals awarded public position are likewise subject to public inspection. Other items at issue related to the evaluation of candidates considered for public employment may be subject to a constitutionally protected privacy interest.

AG Op. No. 14-0048 - In light of the formal record retention policy of the Louisiana State Board of Social Work Examiners (Board), the Board has an obligation to retain a former Impaired Professional Program (IPP) participant's file permanently. Documents contained within a former IPP participant's file may be exempt from disclosure pursuant to La. R.S. 44:4(26) of the Public Records Act. Further, preservation of a former IPP participant's file does not, in and of itself, violate the American Disability Act.

AG Op. No. 14-0010 - Digital map and data requested by private companies with apparent intent to use information for marketing and profit are public records and should be made available to requestors. The custodian may charge a reasonable fee for a copy of the records.

AG Op. No. 13-0141 - Personal e-mails sent on a public e-mail account are not "public records" subject to production under the Public Records Act when the records have no relation to the function of the public body, there is no evidence of illegal activity, and there has been no finding of the public body that disciplinary action is appropriate based on the records at issue.

AG Op. No. 12-0177 - The AG notes that if an e-mail of a public body communicating electronically falls within the definition of a "public record" under La. R.S. 44:1 (A)(2)(a), and no specific exception is applicable, the e-mail would be subject to inspection upon a request under the Public Records Act.

AG Op. No. 12-0044 - To the extent that public records do not contain confidential or privileged information, the custodian is not only permitted, but is obligated to produce the public records to members of the public. The AG notes that this obligation rests with the custodian of such records but does not require that the custodian be physically present when records are produced to a requestor.

AG Op. No. 12-0005 - Discusses exceptions from public records requests of certain police department information.

AG Op. No. 12-0002 - The creation of a registry of permanent partial disabled employees will not automatically create an ADA violation for those employees listed. Further, an employee's right to privacy is likely affected by the creation of such a registry.

AG Op. No. 11-0236 - In general, sign-in sheets created at Town Hall Meetings are not "public records" as defined by the Public Records Act when there is no indication that the information on the sign-in sheet is gathered by a council member in the performance of his or her official duties.

AG Op. No. 11-0210 - When the Assessor does not possess records in the particular format requested, the Public Records Act does not require the Assessor to obtain the information in the format demanded by the requestor. If the Assessor provides access to an electronic version of the records requested, he should not be required to incur additional costs to make the record available in an alternative electronic format.

AG Op. No. 10-0272 – E-mails of a purely personal nature sent on a public e-mail account with no relation to public business are not public records subject to disclosure under R.S. 44.1(A)(2)(a).

AG Op. No. 10-0233 - Electronic communication during a public meeting between members of a public body and constituents, staff and/or another member of a public body is not, in and of itself, a violation of the Open Meetings Law. However, the analysis of a potential Open Meetings Law violation is much different when considering electronic communication between a quorum of members of a public body during a public meeting.

AG Op. No. 10-0218 – The AG opines that water usage figures from the records of a public water district are a public record subject to inspection under the public records act.