

Office of Attorney General
OPEN RECORDS & MEETINGS TASK FORCE

April 14, 2016

1:30 PM

Pioneer Room, State Capitol building

Agenda

1. Approve draft minutes of previous meeting.
2. Discuss proposed amendments to various open record and meeting provisions:
 - a. N.D.C.C. §44-04-18 - Access to public records - Electronically stored information.
 - i. Updates to reflect changes in existing technology and types of requests, from access to databases and electronic records to allowable fees for locating and/or redacting records;
 - ii. Public entity obligation when denying requests
 - iii. Public entity exemption relating to adverse actions.
 - b. N.D.C.C. § 44-04-18.1 - Public employee personal, medical, and employee assistance records -Confidentiality - Personal information maintained by state entities - Exempt.
 - i. Expand existing exemption for personal information of a public employee to provide additional protection against identity theft.
 - ii. Limited exemption for information in applications for employment with public entity.
 - c. N.D.C.C. § 44-04-18.6 - Access to legislative records and information.
 - i. Review conflicting proposals for changes providing greater – and fewer – protections for legislative records.
 - d. N.D.C.C. § 44-04-18.7 - Criminal intelligence information and criminal investigative information - Nondisclosure - Record of information maintained.
 - i. Expand protections for general public personal information contained in investigative reports
 - ii. Expand existing exemption for crime scene images
 - iii. Create definition of “private place” for existing exemption of body camera images.
 - iv. Clarification of existing exemption for medical condition of victims of a crime.
 - e. N.D.C.C. § 44-04-18.20 - Domestic violence and victim record information of law enforcement exempt.
 - i. Correct reference to human trafficking chapter and expand exemption to include criminal justice agency or correctional facility.

- f. N.D.C.C. § 44-04-18.21 - Electronic mail addresses and telephone numbers exempt
 - i. Expand existing exemption for personal information of individuals (identity theft protection)
- g. N.D.C.C. § 44-04-19.1 – Open records and open meetings - Exemptions for attorney work product, attorney consultation, and negotiation preparation.
 - i. Amend existing exemption to include records dealing with negotiation strategy and instructions.
 - ii. Expand exception for attorney advice.
- h. N.D.C.C. § 44-04-20 – Confidential or closed meetings.
 - i. Clarify requirement for filing notice of regular schedule
 - ii. Minimum advance notice requirement
- i. N.D.C.C. 44-04-21.1 – Administrative review procedure
 - i. Penalties for violations
 - ii. Extending deadline for reporting alleged violation
 - iii. Review when litigation pending
- 3. Discuss proposed amendments to other existing statutes:
 - a. Additional exemption for victim or witness identifying information in §12.1-34-02.
 - b. Additional exemption for interviews and statements of a child witness or victim in §12.1-35-03.
 - c. Emergency services communication systems records in § 57-40.6-07.
- 4. Discuss proposed new requirements
 - a. Exemption for terms of settlement agreement or contract if disclosure would result in adverse fiscal effect to public entity.
 - b. Prohibition on use of open records law to harass public entity or disrupt essential functions of the office.
 - c. Additional exceptions for meetings/records of Foundations to Universities
 - d. Records relating to human resource investigations of employee misconduct and/or discipline.
 - e. Social media.
- 5. Adjourn