

Office of Attorney General
OPEN RECORDS & MEETINGS TASK FORCE

Meeting Date/Time: November 8, 2016, 8:30 AM

Meeting Location: ND Association of Counties, 1661 Capitol Way, Bismarck 58501

Agenda

Old Business

- Approve draft minutes of July 2016 meeting
- Vote on whether to go forward on the proposal to create an exemption for applications for University/college and agency head positions;
- Review proposed draft bill to:
 1. Amend **N.D.C.C. § 12.1-34-02, Fair treatment standards for victims and witnesses**, to exempt contact information for victims/witnesses of crimes of violence or sexual assault from correctional facility records.
 2. Amend **N.D.C.C. § 12.1-35-02, Information about child victims or witnesses of crimes generally may not appear in public record** to exempt contact information and interview statements for child victims and witnesses of crimes of violence or sexual assault.
 3. **Amend N.D.C.C. § 44-04-18, Access to public records – electronically stored information** to provide authority for a public entity to ask for written clarification of a request, require proof of identity before releasing confidential information, address access to records on an entity’s website, require an entity to state if a record does not exist, authorize procedures for allowing a requester to use a personal device to make copies of records, and providing a process to address requests designed to harass a public entity.
 4. Amend **N.D.C.C. § 44-04-18.1 public employee personal, medical, and employee assistance records – confidentiality – personal information maintained by state entities – Exempt**, to include an individual’s month and day (but not year) and details of type of leave and leave applied for but not yet taken, and to exempt records relating to an internal investigation of a complaint against an employee but only until said investigation is complete.
 5. Amend **N.D.C.C. § 44-04-18.6, Access to legislative records and information**, regarding private communications with members of the legislative assembly.
 6. Amend **N.D.C.C. § 44-04-18.7 Criminal intelligence information and criminal investigation information – Nondisclosure – Record of information maintained**, to add a person’s medical information from a medical record, month and date of birth (but not year), and other personal information, and images taken of the scene of a fatality depicting the deceased.
 7. Amend **N.D.C.C. § 44-04-18.20 Domestic Violence information and victim record information of law enforcement exempt**, to include victim information in records of a criminal justice agency or correctional facility.

8. Amend **N.D.C.C. § 44-04-19.1 Open records and open meetings – exemptions for attorney work product, attorney consultation, and negotiation preparation**, to include attorney consultation on potential risks of a proposed action or the strengths and weaknesses of a potential claim, records relating to negotiation strategy, and providing a temporary limited exemption for settlement agreements.
9. Amend **N.D.C.C. 44-04-20 Notice of public meetings required – exceptions – schedule set by statute, ordinance or resolution**, to clarify meeting notice requirements.
10. Amend **N.D.C.C. § 44-04-21.1 Administrative review procedure**, to provide a summary opinion process and authorize the Attorney General to require the officials of a public entity to take mandatory training as a remedy.
11. Amend **N.D.C.C. § 57-40.6-07 Use of the furnished information**, to clarify which entity has the obligation to respond to requests made to emergency services & communication systems.

New Business:

- Proposed amendment of **N.D.C.C. § 44-04-17.1 Definitions**, to exclude training seminars where no other public business is discussed or considered from the definition of “meetings;” and
- Proposed amendment of **N.D.C.C. § 44-04-18.4 Confidentiality of trade secret, proprietary, commercial, and financial information**, to address research records.