

SENATE FILE NO. SF0025

Public records.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to public records; amending and repealing
2 definitions; amending provisions relating to inspection of
3 documents and exemptions from disclosure; amending penalty
4 provision; and providing for an effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 16-4-201(a)(v) and by creating new
9 paragraphs (ix) and (x), 16-4-202(a) through (c),
10 16-4-203(d)(xii), (xiii) and by creating a new paragraph
11 (xiv) and 16-4-205 are amended to read:

12

13 **16-4-201. Definitions.**

14

15 (a) As used in this act:

16

1 (v) "Public records" when not otherwise
2 specified includes ~~the original and copies of any paper,~~
3 ~~correspondence, form, book, photograph, photostat, film,~~
4 ~~microfilm, sound recording, map drawing or other document,~~
5 ~~regardless of physical form or characteristics that have~~
6 ~~been made by the state of Wyoming and any counties,~~
7 ~~municipalities and political subdivisions thereof and by~~
8 ~~any agencies of the state, counties, municipalities and~~
9 ~~political subdivisions thereof, or received by them in~~
10 ~~connection with the transaction of public business, except~~
11 those any information created, accepted, or obtained by the
12 state or any agency, institution or political subdivision
13 of the state in furtherance of its official function and
14 transaction of public business. Without limiting the
15 foregoing, the term "public records" includes any written
16 communication or other information, whether in paper,
17 electronic, or other physical form, received by the state
18 or any agency, institution or political subdivision of the
19 state in furtherance of the transaction of public business
20 of the state or agency, institution or political
21 subdivision of the state, whether at a meeting or outside a
22 meeting of the body, which is not privileged or
23 confidential by law;
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1 (ix) "Application" means a written request for a
2 public record. However, a custodian may in his discretion
3 deem a verbal request to be an application;

4
5 (x) "Information" means opinions, facts, or data
6 of any kind and in whatever physical form kept or
7 maintained, including, but not limited to, written, aural,
8 visual, electronic or other physical form.

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10 **16-4-202. Right of inspection; rules and regulations;**
11 **unavailability.**

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13 (a) All public records shall be open for inspection
14 by any person at reasonable times, during business hours of
15 the state entity or political subdivision, except as
16 provided in this act or as otherwise provided by law, but
17 the official custodian of any public records may make rules
18 and regulations with reference to the inspection of the
19 records as is reasonably necessary for the protection of
20 the records and the prevention of unnecessary interference
21 with the regular discharge of the duties of the custodian
22 or his office.

23

1 (b) If the public records requested are not in the
2 custody or control of the person to whom application is
3 made, ~~the person shall forthwith notify the applicant of~~
4 ~~this fact~~ the custodian or authorized person having
5 personal custody and control of the public records shall
6 notify the applicant within seven (7) business days from
7 the date of acknowledged receipt of the request of the
8 unavailability of the records sought, unless good cause
9 exists preventing a response within such time period. In
10 the event the applicant is not satisfied that good cause
11 exists, the applicant may petition the district court for a
12 determination as to whether the custodian has demonstrated
13 good cause existed. If a public record is readily
14 available, it shall be released immediately to the
15 applicant so long as the release does not impair or impede
16 the agency's ability to discharge its duties.

17

18 (c) If the public records requested are in the
19 custody and control of the person to whom application is
20 made but are in active use or in storage, and therefore not
21 available at the time an applicant asks to examine them,
22 the custodian or authorized person having personal custody
23 and control of the public records shall notify the
24 applicant of this situation within seven (7) business days

1 from the date of acknowledged receipt of the request,
2 unless good cause exists preventing a response within such
3 time period. In the event the applicant is not satisfied
4 that good cause exists, the applicant may petition the
5 district court for a determination as to whether the
6 custodian has demonstrated good cause existed. If a public
7 record is readily available, it shall be released
8 immediately to the applicant so long as the release does
9 not impair or impede the agency's ability to discharge its
10 duties.

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12 **16-4-203. Right of inspection; grounds for denial;**
13 **access of news media; order permitting or restricting**
14 **disclosure; exceptions.**

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16 (d) The custodian shall deny the right of inspection
17 of the following records, unless otherwise provided by law:

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19 (xii) Information regarding the design, elements
20 and components, and location of state information
21 technology security systems and physical security systems;
22 ~~and~~

23

1 (xiii) Records or information relating to
2 individual diagnoses of contagious, infectious,
3 communicable, toxic and genetic diseases maintained or
4 collected by the Wyoming state veterinary laboratory as
5 provided in W.S. 21-17-308(e) ~~;~~ and

6
7 (xiv) Information concerning an agricultural
8 operation, farming or conservation practice, or the land
9 itself, if the information was provided by an agricultural
10 producer or owner of agricultural land in order to
11 participate in a program of the state or any agency,
12 institution or political subdivision of the state. The
13 custodian shall also deny the right of inspection to
14 geospatial information maintained about the agricultural
15 land or operations. Provided, however, that if otherwise
16 permitted by law, the inspection of the information
17 described in this paragraph shall be allowed in accordance
18 with the following:

19
20 (A) The custodian may allow the right of
21 inspection when responding to a disease or pest threat to
22 agricultural operations, if the custodian determines that a
23 threat to agricultural operations exists and the disclosure

1 of information is necessary to assist in responding to the
2 disease or pest threat as authorized by law;

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4 (B) The custodian shall allow the right of
5 inspection of payment information under a program of the
6 state or of any agency, institution or political
7 subdivision of the state, including the names and addresses
8 of recipients of payments;

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10 (C) The custodian shall allow the right of
11 inspection if the information has been transformed into a
12 statistical or aggregate form without naming:

13

14 (I) Any individual owner, operator or
15 producer; or

16

17 (II) A specific data gathering site.

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19 (D) The custodian shall allow the right of
20 inspection if the disclosure of information is pursuant to
21 the consent of the agricultural producer or owner of the
22 agricultural land;

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24 (E) As used in this paragraph:

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10 **16-4-205. Penalty.**

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12 Any person who ~~willfully and~~ knowingly or intentionally
13 violates the provisions of this act is guilty of a
14 misdemeanor and upon conviction thereof, shall be punished
15 by a fine not to exceed seven hundred fifty dollars
16 (\$750.00).

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18 **Section 2.** W.S. 16-4-201(a)(vii) is repealed.

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20 **Section 3.** This act is effective July 1, 2012.

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(END)