



## Understanding Louisiana's Sunshine Laws

"Sunshine" is a term often used to describe laws that help citizens monitor and participate in the business of government.

# Public Records in Louisiana

- The state 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 allows certain public employees (custodians) to decide where to draw the line between public and private documents. Generally, a custodian has three 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 in order to perform the business of a public body. Public records include books, papers, letters, maps, pictures, drawings and recordings. Public records also include microfilm and electronic information such as e-mail and information stored in 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.

- *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 may not ask you any other questions about your request, such as why you want to see a record or what you plan to do with your copy of the record.*

F.Y.I.

### 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 there is a dispute, you should always request records in writing and date your request.

- *You can call the main telephone number of any public body and ask where you should send your public 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.*

F.Y.I.

## 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:

- State agencies usually charge 25 cents per page for regular-size paper documents and basic computer printouts.
- 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.

Other Public Bodies:

- The custodian can set “reasonable” fees. What “reasonable” means is decided on a case-by-case basis. The law allows any custodian to give public records, at no cost, to the poor.



- *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 any copies are made. You do not owe the fee unless you agree to the cost of receiving the records.*

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

The law lists many kinds of records that are exempt from the public records law and that can be kept private because of the sensitive nature of the information in them. Examples of private information include such things as:

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| – Budget proposal research  | – Hospital & medical information                |
| – Criminal case investigation files                               | – Insurance, health & accident information      |
| – Economic development negotiations                               | – Personally identifiable personnel information |
| – Governor’s communication about making a decision (deliberation) | – Trade secrets of companies                    |

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

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

If the record is a public record and it is available, it must be given to you immediately. If it is a public record and it is not available (because it is being used by someone else), the custodian must let you know this in writing. The custodian also must give a specific time (which falls within three 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.

## 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.

Custodians (or their public body) who violate the law may have to pay legal fines, damages and the suing person’s legal fees. Custodians who violate the law also may be required to serve time in prison.