
DIGEST

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Leger

HB No. 324

Abstract: Authorizes the employees and officials of the Dept. of State to disclose certain electronic mail addresses and short message service numbers to other governmental entities, agencies, officials, and employees.

Present law (Public Records Law, R.S. 44:1, et seq.) provides that certain documents, data, and information, regardless of physical form or characteristics, including information contained in electronic data processing equipment, having been used, being in use, or prepared, possessed, or retained for use in the conduct, transaction, or performance of any business, transaction, work, duty, or function which was conducted, transacted, or performed by or under the authority of the constitution or laws of the state, or by or under the authority of any ordinance, regulation, mandate, or order of any public body or concerning the receipt or payment of any money received or paid by or under the authority of the constitution or the laws of the state, are "public records". Present law establishes the framework for the ready availability of public records to requesting persons, and specifically provides that it is the duty of the custodian of the public records for a public entity or agency to provide copies to persons so requesting. Present law provides for certain exceptions, exemptions, and limitations.

Present law (Title 12) provides that records and documentation for corporations, limited liability companies, partnership agreements, and other entities be filed with the secretary of state. Present law further provides that any electronic mail addresses submitted to or captured by the secretary of state pursuant to the provisions of present law (Title 12 of La. R.S.) shall be confidential and shall not be disclosed by the secretary of state or any employee or official of his office and recognizes the limitation on such electronic mail addresses in present law (Public Records Law).

Proposed law authorizes the disclosure of electronic mail addresses or short message service numbers by the secretary of state or any employee or official of the Dept. of State to a governmental entity, agency, official, or employee in the course of interaction of the governmental entity, agency, official, or employee with the Dept. of State.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 12:2.1)