

RÉSUMÉ DIGEST

ACT 357 (SB 133)

2018 Regular Session

Hewitt

Prior law, the Public Records Law, required the disclosure of public records upon request. Prior law provided an exception for certain proprietary or trade secret information and further requires all records containing proprietary or trade secret information submitted by a developer, owner, or manufacturer to a public body pursuant to prior law to contain a cover sheet that provides in bold type "DOCUMENT CONTAINS CONFIDENTIAL PROPRIETARY OR TRADE SECRET INFORMATION". Prior law required the developer, owner, or manufacturer to mark clearly each instance of information which is, in his opinion, proprietary or trade secret information. Prior law provided that the determination of whether such information is in fact proprietary or trade secret information shall be made by the custodian within 30 days of a submission; however, if a custodian receives a public records request during the period of 30 days, the determination shall be made within the time period provided in prior law. Prior law required a custodian who receives a request for any information which has been marked by the developer, owner, or manufacturer as proprietary or trade secret information to notify immediately, prior to the disclosure of the information, such developer, owner, or manufacturer of the request and of the custodian's determination of whether or not the information so requested is subject to disclosure. Prior law provided that general information relating to the identity of the developer, owner, or manufacturer and any agreement or contract that such person or legal entity has entered into with the public body shall be subject to public review. Prior law provided that nothing in prior law shall be construed in a manner as to prevent the public examination or reproduction of any record or part of a record which is not proprietary or trade secret information. New law retains prior law.

New law requires the office of state fire marshal to provide electronic access to its information management system to the State Bd. of Architectural Examiners and the La. Professional Engineering and Land Surveying Bd. for the examination and reproduction of plans, drawings, and specifications submitted to the office of state fire marshal.

New law prohibits the State Bd. of Architectural Examiners and the La. Professional Engineering and Land Surveying Bd. from allowing examination or release of any documents obtained from the office of state fire marshal's information system to the public or other third party, including other state agencies.

New law provides that the office of state fire marshal shall not be held responsible or liable for any release of confidential, proprietary, or trade secret information by the State Bd. of Architectural Examiners or the La. Professional Engineering and Land Surveying Bd.

Effective August 1, 2018.

(Adds R.S. 44:3.2(G))