

2024 Regular Session

HOUSE BILL NO. 116

BY REPRESENTATIVE MCKIN

PUBLIC RECORDS: Provides relative to the disclosure of personnel records of public employees

1 AN ACT

2 To amend and reenact R.S. 44:11, relative to the confidential nature of personnel records of
3 public employees; to provide relative to a public employee's expectation of privacy;
4 to provide for the action to enforce disclosure of personnel records; and to provide
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 44:11 is hereby amended and reenacted to read as follows:

8 §11. Confidential nature of certain personnel records; exceptions

9 A.(1) In addition to recognizing that it is essential to the maintenance of a
10 democratic society that public business be performed in an open and public matter
11 as provided in R.S. 44:5, the legislature further recognizes that the right of privacy
12 is limited by society's right to be informed about legitimate subjects of public
13 interest. Toward this end, a public employee does not have a reasonable expectation
14 of privacy as it relates to his personnel records, except as provided in this Chapter,
15 and the provisions of this Chapter shall be construed liberally so as to facilitate,
16 rather than hinder, access to public records.

17 (2) The personnel records of a public employee shall be public records and
18 shall be subject to disclosure in accordance with this Section. Any action to enforce
19 this Subsection shall be tried by preference and in a summary manner as provided
20 in R.S. 44:35.

1 B. Notwithstanding anything contained in this Chapter or any other law to
2 the contrary, the following items in the personnel records of a public employee of
3 any public body shall be confidential:

4 (1) The home telephone number of the public employee where such
5 employee has chosen to have a private or unlisted home telephone number because
6 of the nature of his occupation with such body.

7 (2) The home telephone number of the public employee where such
8 employee has requested that the number be confidential.

9 (3) The home address of the public employee where such employee has
10 requested that the address be confidential.

11 (4) The name and account number of any financial institution to which the
12 public employee's wages or salary are directly deposited by an electronic direct
13 deposit payroll system or other direct deposit payroll system.

14 ~~B. C.~~ The provisions of R.S. 44:11(A)(3) Paragraph (B)(3) of this Section
15 shall not apply to the following:

16 (1) Personnel ~~personnel~~ records of a city or parish school board to the extent
17 that the home address of any employee of a city or parish school board shall be made
18 available to recognized educational groups.

19 (2) The home address of a member of the Firefighters' Retirement System
20 if that information is requested by a member of the Legislature of Louisiana, an
21 agency or employer reporting information to the system, or a recognized association
22 of system members.

23 ~~C. D.~~ D. Notwithstanding any other provision of this Chapter, the social
24 security number and financial institution direct deposit information as contained in
25 the personnel records of a public employee of any public body shall be confidential.
26 However, when the employee's social security number or financial institution direct
27 deposit information is required to be disclosed pursuant to any other provision of
28 law, including such purposes as child support enforcement, health insurance, and

1 retirement reporting, the social security number or financial institution direct deposit
2 information of the employee shall be disclosed pursuant to such provision of law.

3 ~~D.~~ E. Notwithstanding anything contained in this Chapter or any other law
4 to the contrary, all medical records, claim forms, insurance applications, requests for
5 the payment of benefits, and all other health records of public employees, public
6 officials, and their dependents in the personnel records of any public body shall be
7 confidential. However, nothing in this Chapter shall be intended to limit access to
8 employee records under the Code of Civil Procedure or Code of Evidence.

9 ~~E. The provisions of Paragraph (A)(3) of this Section shall not apply to the~~
10 ~~home address of a member of the Firefighters' Retirement System if that information~~
11 ~~is requested by a member of the Louisiana Legislature, an agency or employer~~
12 ~~reporting information to the system, or a recognized association of system members.~~

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 116 Original

2024 Regular Session

McMakin

Abstract: Provides for the nature of personnel records of public employees as public records and provides for the enforcement of the Public Records Law as it relates to personnel records of public employees.

Present law (R.S. 44:31) generally provides that except as otherwise provided in law, any person of the age of majority may inspect, and any person may copy or reproduce any public record. Further provides that the burden of proving that a public record is not subject to inspection, copying, or reproduction shall rest with the custodian. Proposed law retains present law.

Present law (R.S. 44:11) provides that certain items in the personnel records of a public employee shall be confidential. Proposed law retains present law and expressly provides that, except as provided for in present law, personnel records of public employees are public records subject to disclosure.

Present law (R.S. 44:5) provides that the legislature recognizes that it is essential to the maintenance of a democratic society that public business be performed in an open and public manner, and that the Public Records Law shall be construed liberally so as to facilitate, rather than hinder, access to public records.

Proposed law retains present law and further provides that the legislature recognizes that the right of privacy is limited by society's right to be informed about legitimate subject of public interest and that a public employee does not have a reasonable expectation of privacy as it relates to his personnel records.

Present law (R.S. 44:35) authorizes a person who has been denied the right to inspect, copy, reproduce, or obtain a copy of a public record to institute proceedings for the issuance of a writ of mandamus and injunctive or declaratory relief in the district court for the parish in which the office of the custodian is located. Further provides that any suit to enforce the provisions of the Public Records Law shall be tried by preference and in a summary matter.

Proposed law retains present law and further provides that any action to enforce the disclosure of personnel records of a public employee shall be tried by preference and in a summary manner as provided in present law.

(Amends R.S. 44:11)