

---

## 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)