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## DIGEST

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### CONFERENCE COMMITTEE REPORT DIGEST

HB 268

2024 Regular Session

Mike Johnson

#### Keyword and oneliner of the instrument as it left the House

PUBLIC RECORDS: Provides relative to the confidentiality of certain records

#### Report adopts Senate amendments to:

1. Add an employee's personal email address to the list of information that is confidential in a public employee's personnel record.

#### Report amends the bill to:

1. Add provision that allow records of the office of the governor pertaining to the schedule of the governor, his spouse, or his child containing security details that if made public may impair the safety of the governor, his spouse, or his child to be held confidential.
2. Make proposed law effective upon signature of the governor.

#### Digest of the bill as proposed by the Conference Committee

Present law (Public Records Law, R.S. 44:1 et seq.) provides that all types of records, 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". Establishes a 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 (R.S. 44:5) provides relative to records of the office of the governor. Speicifies that any

record of the office of the governor pertaining to the schedule of the governor, his spouse, or his child that contains security details that if made public may impair the safety of the governor, his spouse, or his child may be held confidential for a period not to exceed seven days following the scheduled event. Proposed law removes the limitation on the amount of time such a record may be held confidential and otherwise retains present law.

Present law (R.S. 44:11) provides that the following items in the personnel records of a public employee of any public body shall be confidential:

- (1) The home telephone number of the public employee where such employee has chosen to have a private or unlisted home telephone number because of the nature of his occupation with the public body.
- (2) The home telephone number of the public employee where such employee has requested that the number be confidential.
- (3) The home address of the public employee where such employee has requested that the address be confidential; except (a) the home address of any employee of a city or parish school board shall be made available to recognized educational groups and (b) the home address of a member of the Firefighters' Retirement System if that information is requested by a legislator, an agency or employer reporting information to the system, or a recognized association of system members.

Proposed law provides instead that the home address, the home and personal wireless telephone number, and the personal email address of the public employee in the personnel records of a public employee of any public body shall be confidential. Removes the requirement that the employee request the information be confidential and that the confidentiality of a private or unlisted telephone number be related to the nature of the employee's occupation. Further removes exceptions that allow the home address of any employee of a city or parish school board to be made available to recognized educational groups and the home address of a member of the Firefighters' Retirement System to be made available if requested by a legislator, an agency or employer reporting information to the system, or a recognized association of system members.

Present law further specifies that the social security number and the financial institution direct deposit information of a public employee of any public body shall be confidential, but provides that the employee's social security number or financial institution direct deposit information shall be disclosed when any other provision of law, including such purposes as child support enforcement, health insurance, and retirement reporting, requires such disclosure. Additionally provides that medical records, claim forms, insurance applications, requests for benefits payments, and all other health records of public employees, public officials, and their dependents are confidential. Provides that nothing in the public records laws shall limit access to employee records under the Code of Civil Procedure or Code of Evidence. Proposed law retains present law.

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

(Amends R.S. 44:5(B)(4) and 11)