2024 Regular Session

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HOUSE BILL NO. 116

BY REPRESENTATIVE MCMAKIN

2	To amend and reenact R.S. 44:11 and 32(D), relative to the confidential nature of personnel
3	records of public employees; to provide relative to a public employee's expectation
4	of privacy; to provide for the action to enforce disclosure of personnel records; to
5	provide for the confidentiality of certain information in evaluation reports; to provide
6	relative to the disclosure of the home address of certain public employees; to provide
7	for the statement of a reason for non-disclosure; and to provide for related matters.
8	Be it enacted by the Legislature of Louisiana:
9	Section 1. R.S. 44:11 and 32(D) are is hereby amended and reenacted to read as
10	follows:
11	§11. Confidential nature of certain personnel records; exceptions
12	A.(1) In addition to recognizing that it is essential to the maintenance of a
13	democratic society that public business be performed in an open and public matter
14	as provided in R.S. 44:5, the legislature further recognizes that the right of privacy
15	is limited by society's right to be informed about legitimate subjects of public
16	interest. Toward this end, a public employee's reasonable expectation of privacy as
17	it relates to his personnel records, except as provided in this Chapter, and the
18	provisions of this Chapter shall be construed to facilitate, rather than hinder, access
19	to public records.
20	(2) The personnel records of a public employee shall be public records
21	subject to disclosure in accordance with this Section. Any action to enforce this
22	Subsection shall be tried by preference and in a summary manner as provided in R.S.
23	<u>44:35.</u>
24	B. Notwithstanding anything contained in this Chapter or any other law to
25	the contrary, the following items in the personnel records of a public employee of
26	any public body shall be confidential:

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1 (1) The home telephone number of the public employee where such 2 employee has chosen to have a private or unlisted home telephone number because 3 of the nature of his occupation with such body. 4 (2) The home telephone number of the public employee where such 5 employee has requested that the number be confidential. (3) The home address of the public employee where such employee has 6 7 requested that the address be confidential. 8 (4) The name and account number of any financial institution to which the 9 public employee's wages or salary are directly deposited by an electronic direct 10 deposit payroll system or other direct deposit payroll system. 11 (5) Opinions contained in evaluation reports. 12 (6) Information required to be kept confidential pursuant to federal law. 13 (7) Information that may put the employee or another employee at risk of 14 harm. 15 B. The provisions of R.S. 44:11(A)(3) shall not apply to the personnel 16 records of a city or parish school board to the extent that the home address of any 17 employee of a city or parish school board shall be made available to recognized 18 educational groups. 19 C. Notwithstanding any other provision of this Chapter, the social security 20 number and financial institution direct deposit information as contained in the 21 personnel records of a public employee of any public body shall be confidential. 22 However, when the employee's social security number or financial institution direct 23 deposit information is required to be disclosed pursuant to any other provision of 24 law, including such purposes as child support enforcement, health insurance, and 25 retirement reporting, the social security number or financial institution direct deposit 26 information of the employee shall be disclosed pursuant to such provision of law. 27 D. Notwithstanding anything contained in this Chapter or any other law to 28 the contrary, all medical records, claim forms, insurance applications, requests for 29 the payment of benefits, and all other health records of public employees, public 30 officials, and their dependents in the personnel records of any public body shall be 31 confidential. However, nothing in this Chapter shall be intended to limit access to

employee records under the Code of Civil Procedure or Code of Evidence.

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HB NO. 116 **ENROLLED** 1 E. The provisions of Paragraph (A)(3) of this Section shall not apply to the 2 home address of a member of the Firefighters' Retirement System if that information 3 is requested by a member of the Louisiana Legislature, an agency or employer 4 reporting information to the system, or a recognized association of system members. 5 §32. Duty to permit examination; prevention of alteration; payment for overtime; 6 7 copies provided; fees 8 9 D. In any case in which a record is requested and a question is raised by the 10 custodian of the record as to whether it is a public record, such custodian shall within 11 five days, exclusive of Saturdays, Sundays, and legal public holidays, of the receipt 12 of the request, in writing for such record, notify in writing the person making such 13 request of his determination and the reasons therefor. Such written notification shall 14 contain a reference to the basis under law which the custodian has determined 15 exempts a record, or any part thereof, from inspection, copying, or reproduction. If 16 the custodian determines a personnel record is exempt, the custodian may not cite 17 solely to a court decision as the basis to exempt the record. SPEAKER OF THE HOUSE OF REPRESENTATIVES PRESIDENT OF THE SENATE GOVERNOR OF THE STATE OF LOUISIANA

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APPROVED: