

Existing law establishes the right of any person to examine a public record and authorizes individuals who appear in person to inspect, copy, or reproduce any public record and further authorizes written requests to obtain a copy or reproduction of any public record.

Existing law provides that a person who has been denied the right to inspect or copy a record may institute proceedings for the issuance of a writ of mandamus, injunctive or declaratory relief, together with attorney fees, costs, and damages, in the district court for the parish in which the office of the custodian is located. New law specifies that the right to institute an enforcement action applies to: (1) written and electronic requests, in addition to requests made in person, and (2) denial of the right to obtain a copy or reproduction of a record, in addition to denial of the right to inspect or copy a record.

Existing law provides that a person may institute an enforcement action when the person is denied access to a record either by a determination of the custodian or by the passage of five days, exclusive of Saturdays, Sundays, and legal public holidays, from the date of his request without receiving a determination in writing by the custodian.

Prior law required the determination of the custodian to be a final determination.

New law removes the requirement that the determination of the custodian be a final determination. Additionally provides that the right to institute an enforcement action does not apply if the requestor, within five days of the date of the request, receives an estimate of the time reasonably necessary for collection, segregation, redaction, examination, or review of the records request.

Existing law provides that if a person seeking the right to inspect or to receive a copy of a public record prevails in such suit, he shall be awarded reasonable attorney fees and other costs of litigation. Provides that if such person prevails in part, the court may in its discretion award him reasonable attorney fees or an appropriate portion thereof. New law specifies that existing law applies also to a person seeking the right to copy or reproduce a public record or to obtain a copy or reproduction of a public record.

Effective Aug. 1, 2014.

(Amends R.S. 44:35(A) and (D))