

SENATE FILE NO. SF0018

Wyoming Public Records Act.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to the Wyoming Public Records Act;
2 providing procedures for the inspection and copying of
3 public records maintained in an electronic format; limiting
4 the release of investigative records as specified;
5 requiring public agencies to establish fees for release of
6 public records as specified; authorizing free inspection;
7 and providing for an effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 16-4-202 by creating a new subsection
12 (d), 16-4-203(d)(ix), (x) and by creating new paragraphs
13 (xi) and (xii) and 16-4-204(a) and by creating new
14 subsections (c) and (d) are amended to read:

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16 **16-4-202. Right of inspection; rules and regulations;**
17 **unavailability.**

1

2 (d) If a public record exists primarily or solely in
3 an electronic format, the custodian of the record shall so
4 inform the requester. Electronic record inspection and
5 copying shall be subject to the following:

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7 (i) The reasonable costs of producing a copy of
8 the public record shall be borne by the party making the
9 request. The costs may include the cost of producing a copy
10 of the public record and the cost of constructing the
11 record, including the cost of programming and computer
12 services;

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14 (ii) An agency shall provide an electronic
15 record in alternative formats unless doing so is
16 impractical or impossible;

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18 (iii) An agency shall not be required to compile
19 data, extract data or create a new document to comply with
20 an electronic record request if doing so would impair the
21 agency's ability to discharge its duties;

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23 (iv) An agency shall not be required to allow
24 inspection or copying of a record in its electronic format

1 if doing so would jeopardize or compromise the security or
2 integrity of the original record or of any proprietary
3 software in which it is maintained;

4
5 (v) Nothing in this section shall prohibit the
6 on-line government commission from enacting any rules
7 pursuant to its authority under W.S. 9-2-2501.

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9 **16-4-203. Right of inspection; grounds for denial;**
10 **access of news media; order permitting or restricting**
11 **disclosure; exception.**

12
13 (d) The custodian shall deny the right of inspection
14 of the following records, unless otherwise provided by law:

15
16 (ix) Library circulation and registration
17 records except as required for administration of the
18 library or except as requested by a custodial parent or
19 guardian to inspect the records of his minor child; ~~and~~

20
21 (x) Information obtained through a 911 emergency
22 telephone system except to law enforcement personnel or
23 public agencies for the purpose of conducting official

1 business, to the person in interest, or pursuant to a court
2 order;

3

4 (xi) Records or information compiled solely for
5 purposes of investigating violations of, and enforcing,
6 internal personnel rules or personnel policies the
7 disclosure of which would constitute a clearly unwarranted
8 invasion of personal privacy; and

9

10 (xii) Information regarding the design, content
11 and location of state information technology and physical
12 security systems.

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14 **16-4-204. Right of inspection; copies, printouts or**
15 **photographs; fees.**

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17 (a) In all cases in which a person has the right to
18 inspect and copy any public records he may request that he
19 be furnished copies, printouts or photographs for a
20 reasonable fee to be set by the official custodian. Where
21 fees for certified copies or other copies, printouts or
22 photographs of the record are specifically prescribed by
23 law, the specific fees shall apply. Nothing in this section
24 shall be construed as authorizing a fee to be charged as a

1 condition of making a public record available for
2 inspection.

3

4 (c) After July 1, 2003, any fees or charges assessed
5 by a custodian of a public record shall first be authorized
6 by duly enacted or adopted statute, rule, resolution,
7 ordinance, executive order or other like authority.

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9 (d) All state agencies may adopt rules and
10 regulations pursuant to the Wyoming Administrative
11 Procedure Act establishing reasonable fees and charges that
12 may be assessed for the costs and services set forth in
13 this section.

14

15 **Section 2.** This act is effective July 1, 2002.

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(END)