

ENROLLED ACT NO. 20, SENATE

FIFTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING  
2002 SPECIAL SESSION

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

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

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

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

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

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

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

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

(iv) An agency shall not be required to allow inspection or copying of a record in its electronic format if doing so would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained;

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

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

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

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

(x) Information obtained through a 911 emergency telephone system except to law enforcement personnel or public agencies for the purpose of conducting official business, to the person in interest, or pursuant to a court order; ~~and~~

(xi) Records or information compiled solely for purposes of investigating violations of, and enforcing, internal personnel rules or personnel policies the

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disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(xii) Information regarding the design, elements and components, and location of state information technology security systems and physical security systems.

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

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

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

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

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

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk