


Public Records Law Overview



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Public Records G.S. 132-1

- Records made or received in the transaction of public business
- Right of access = inspection or copy



“Records” Broadly Defined



Records, not information.



Searchable information in electronic database may be considered electronic records.



Broad right of access:

Inspection or Copy

No requirement for requests to be in writing

No residency requirement

Records must be provided "as promptly as possible."



See blog post: [Ask, Don't Compel](#)



Content, not location determines status of email.




Does it involve the transaction of public business?



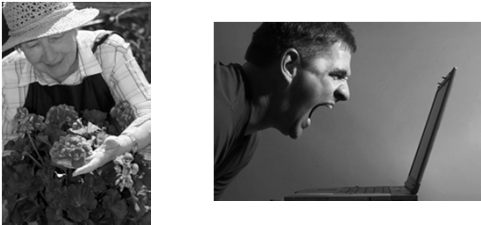
What can be charged?

- Actual, direct costs only
- Not personnel time



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- Motive doesn't matter



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Public Records and Discovery

Public records law does not mirror discovery rules

Litigant may obtain records under public records law

See blog post on [E-discovery, metadata, and public records](#)

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No exception for drafts



Exceptions

- Records made or received in the transaction of public business are public unless an exception provides that they
 - Need not be provided, but you may do so
 - Shall not be provided, and you may not do so



Court Orders and Public Records

- Remedies for failure to release records (G.S. 132-9)
 - Standard civil action
 - Only a person denied access has standing
 - Mediation (G.S.7A-38.3E)
- Confidential records may sometimes be released “by court order”
 - See *In re Brooks*, 143 N.C. App. 601 (2001)

Blog Posts on Pubic Records

- [Framework for Analyzing Public Records Requests](#)
- [Email as a Public Record: Five Things You Should Know](#)
- [Metadata as Public Record](#)
- [When do Transparency Laws Apply to Private Entities?](#)

- See also, David M. Lawrence [Public Records Law for North Carolina Local Governments](#),