

Black's proposal for 8.26.22 meeting

§ 92F-13. Government records; exceptions to general rule

This part shall not require disclosure of:

- (1) Government records which, if disclosed, would constitute a clearly unwarranted invasion of personal privacy;
- (2) Government records pertaining to the prosecution or defense of any judicial or quasi-judicial action to which the State or any county is or may be a party, to the extent that such records would not be discoverable;
- (3) Government records that, by their nature, must be confidential in order for the government to avoid the frustration of a legitimate government function;
- (4) Government records which, pursuant to state or federal law including an order of any state or federal court, are protected from disclosure; ~~and~~
- (5) Inchoate and draft working papers of legislative committees including budget worksheets and unfiled committee reports; work product; records or transcripts of an investigating committee of the legislature which are closed by rules adopted pursuant to section 21-4 and the personal files of members of the legislature[-]; and
- (6) Deliberative and pre-decisional materials, including, but not limited to, preliminary drafts, notes, interagency or intra-agency memoranda, correspondence, and recommendations, other than readily segregable purely factual information, up until the final decision the deliberative and pre-decisional materials relate to has been made or until deliberation of the matter has been abandoned; provided that, once disclosure is required, when compelling reasons show that public disclosure would likely inhibit future frank discussion between public officials and employees, identifying information of the public official or employee expressing the opinion may be withheld.