

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 after the final decision has been made or deliberation of the matter has been abandoned, disclosure of preliminary drafts and notes is not required;~~ provided further that, once disclosure is required, ~~if when compelling reasons show opinions expressed are so personal~~ 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.