

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE DRS35185-MM-48 (02/27)

Short Title: Public Records - E-Mail Disclosure. (Public)

Sponsors: Senator Clark (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ENCOURAGE THE AGENCIES OF NORTH CAROLINA GOVERNMENT
3 TO INCLUDE ON ALL E-MAILS A DISCLOSURE THAT THE E-MAIL MAY BE A
4 PUBLIC RECORD AND MAY BE SUBJECT TO INSPECTION AND COPYING.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 132-1 is reads as rewritten:

7 "§ 132-1. "Public records" defined.

8 (a) "Public record" or "public records" shall mean all documents, papers, letters, maps,
9 books, photographs, films, sound recordings, magnetic or other tapes, electronic
10 data-processing records, artifacts, or other documentary material, regardless of physical form or
11 characteristics, made or received pursuant to law or ordinance in connection with the
12 transaction of public business by any agency of North Carolina government or its subdivisions.
13 Agency of North Carolina government or its subdivisions shall mean and include every public
14 office, public officer or official (State or local, elected or appointed), institution, board,
15 commission, bureau, council, department, authority or other unit of government of the State or
16 of any county, unit, special district or other political subdivision of government.

17 (b) The public records and public information compiled by the agencies of North
18 Carolina government or its subdivisions are the property of the people. Therefore, it is the
19 policy of this State that the people may obtain copies of their public records and public
20 information free or at minimal cost unless otherwise specifically provided by law. As used
21 herein, "minimal cost" shall mean the actual cost of reproducing the public record or public
22 information.

23 (c) All agencies of North Carolina government are encouraged to include on all
24 outgoing electronic mail a statement disclosing to the recipient that the e-mail may be a public
25 record and maybe subject to inspection and copying pursuant to G.S. 132-6. If appropriate,
26 electronic mail sent by or on behalf of a legislator should include a disclosure that the
27 document is confidential and not a public record pursuant to Article 17 of Chapter 120 of the
28 General Statutes."

29 SECTION 2. This act becomes effective October 1, 2015.

