

1 § 4555. INFORMATION; DISCLOSURE AND CONFIDENTIALITY

2 (a)(1) ~~The Except as provided in subsection (b) of this section, the Human Rights~~  
3 ~~Commission's complaint files and investigative files shall be kept confidential except that the~~  
4 ~~Commissioner shall make the investigative file available to the charging party, the respondent,~~  
5 ~~their attorneys, and any State or federal law enforcement agency seeking to enforce anti-~~  
6 ~~discrimination statutes, upon reasonable request. The identities of nonparty witnesses to the~~  
7 ~~investigation may be revealed as part of the investigative file, upon request, unless good cause is~~  
8 ~~shown to protect the witness's confidentiality.~~

9 (2) Nothing said or done as part of conciliation efforts under this chapter may be made a  
10 matter of public record or used as evidence in a subsequent civil action without written consent  
11 of the parties. However, final settlement agreements shall be public documents and the parties  
12 shall be so informed.

13 (b)(1) ~~Nothing said or done as part of conciliation efforts under this chapter may be made a~~  
14 ~~matter of public record or used as evidence in a subsequent civil action without written consent~~  
15 ~~of the parties. Final settlement agreements shall be public documents and the parties shall be so~~  
16 ~~informed~~ Except as provided in subdivision (2) of this subsection, the Commission shall upon  
17 reasonable request provide its complaint files and investigative files to the complainant, the  
18 respondent, their attorneys, and any State or federal law enforcement agency seeking to enforce  
19 anti-discrimination statutes.

20 (2) Notwithstanding subdivision (1) of this subsection, the Commission may refuse to  
21 reveal:

22 (A) the identity of a nonparty witness, if good cause is shown to protect the witness's  
23 confidentiality; and

1            (B) records or information the release of which may be prohibited under State or  
2 federal law absent court order.

3            (3) A party denied information or records pursuant to subdivision (2) of this subsection  
4 may seek the information or records by subpoena. The Commission and any affected person  
5 may contest the subpoena in court.

6            (c) If the Commission determines that there are reasonable grounds to believe that  
7 discrimination has occurred, that determination and the names of the parties may be made public  
8 after the parties have been notified of the Commission's determination. If the Commission finds  
9 that there are no reasonable grounds to find discrimination, the identity of the parties and any  
10 information that would identify the parties shall remain confidential. The Commission shall  
11 inform the parties about the provisions of this subsection. In all cases, even if the records are  
12 confidential, the facts may be used for educational purposes if sufficiently altered so that no  
13 person involved in a case can be identified.