
This act summary is provided for the convenience of the public and members of the General Assembly. It is intended to provide a general summary of the act and may not be exhaustive. It has been prepared by the staff of the Office of Legislative Council without input from members of the General Assembly. It is not intended to aid in the interpretation of legislation or to serve as a source of legislative intent.

Act No. 166 (H.910). Public records; open meetings

An act relating to the Open Meeting Law and the Public Records Act

This act:

- adds a definition of “business of the public body” to the Open Meeting Law (OML) and specifies certain types of gatherings are not meetings for purposes of the OML;
- adds findings to the Public Records Act (PRA) regarding the value of public records;
- adds a provision to require that, starting with any exemption to the PRA enacted or substantively amended in legislation introduced in the General Assembly in 2019 or later, the exemption will be repealed the fifth year after its enactment, reenactment, or substantive amendment unless the General Assembly reenacts it or the law otherwise requires;
- requires the Office of Legislative Council to compile a list of PRA exemptions that are repealed or narrowed in scope on or after January 1, 2019 and biennially to update the list;
- specifies that a record produced or acquired during the period of applicability of a PRA exemption that is subsequently repealed or narrowed in scope shall, if exempt during that period, remain exempt following the repeal or narrowing in scope of the exemption unless otherwise provided by law;
- reorganizes the section of the PRA that addresses the time period and process for responding to a records request and, in the same section, clarifies the default time period for responding to a PRA request at the initial and appeal stages and requires certifications that a record is in storage or does not exist to be made promptly;
- requires the head of a State agency or department to designate a person accountable for overseeing the processing of requests for public records and to post that person’s contact information on the website of the State agency or department;
- adds a new section to the PRA that codifies, with minor modifications, a provision of existing session law that requires the Secretary of Administration to maintain a Public Records Request System cataloguing information about

PRA requests received by Executive Branch State public agencies, and repeals the existing session law.

Multiple effective dates, beginning on July 1, 2018