

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 714
Committee Substitute Favorable 5/2/05

Short Title: State Agencies May Withhold Certain Info.

(Public)

Sponsors:

Referred to:

March 17, 2005

A BILL TO BE ENTITLED

AN ACT ALLOWING STATE AGENCIES UNDER CERTAIN CIRCUMSTANCES
TO WITHHOLD INFORMATION THAT WOULD OTHERWISE BE OPEN TO
INSPECTION BY THE PUBLIC.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 126-23 reads as rewritten:

"§ 126-23. **Certain records to be kept by State agencies open to inspection.**

(a) Each department, agency, institution, ~~commission~~-commission, university,
and bureau of the State shall maintain a record of each of its employees, showing the
following information with respect to each such employee: name, age, date of original
employment or appointment to the State service, current position, title, current salary,
date and amount of most recent increase or decrease in salary, date of most recent
promotion, demotion, transfer, suspension, separation, or other change in position
classification, and the office or station to which the employee is currently assigned.

(b) The head of a State department, agency, institution, commission, university,
or bureau may withhold any information with respect to an employee's individual record
that he or she believes is in the best interests of the health, safety, or security of the
employee. Prior to withholding information under this subsection, the department head
shall prepare a memorandum setting forth the circumstances in which the department
head deems it necessary to withhold such information. The memorandum shall be
retained in the files of said department head and shall be a public record.

(c) ~~Subject~~ Except as provided by subsection (b) of this section and subject only
to rules and regulations for the safekeeping of the records, adopted by the State
Personnel Commission, every person having custody of such records shall permit them
to be inspected and examined and copies thereof made by any person during regular
business hours. Any person who is denied access to any such record for the purpose of
inspecting, examining or copying the same shall have a right to compel compliance with
the provisions of this section by application to a court of competent jurisdiction for a
writ of mandamus or other appropriate relief."

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SECTION 2. This act is effective when it becomes law.