

Wyo. Stat. § 16-4-203

Current through 2017 Legislative Session. Subject to revisions by LSO.

Wyoming Statutes Annotated > Title 16 City, County, State and Local Powers > Chapter 4 Uniform Municipal Fiscal Procedures; Public Records, Documents and Meetings > Article 2. Public Records

§ 16-4-203. Right of inspection; grounds for denial; access of news media; order permitting or restricting disclosure; exceptions.

- (a) The custodian of any public records shall allow any person the right of inspection of the records or any portion thereof except on one (1) or more of the following grounds or as provided in subsection (b) or (d) of this section:
- (i) The inspection would be contrary to any state statute;
 - (ii) The inspection would be contrary to any federal statute or regulation issued thereunder having the force and effect of law; or
 - (iii) The inspection is prohibited by rules promulgated by the supreme court or by the order of any court of record.
- (b) The custodian may deny the right of inspection of the following records, unless otherwise provided by law, on the ground that disclosure to the applicant would be contrary to the public interest:
- (i) Records of investigations conducted by, or of intelligence information or security procedures of, any sheriff, county attorney, city attorney, the attorney general, the state auditor, police department or any investigatory files compiled for any other law enforcement or prosecution purposes;
 - (ii) Test questions, scoring keys and other examination data pertaining to administration of a licensing examination and examination for employment or academic examination. Written promotional examinations and the scores or results thereof shall be available for inspection, but not copying or reproduction, by the person in interest after the examination has been conducted and graded;
 - (iii) The specific details of bona fide research projects being conducted by a state institution;
 - (iv) Except as otherwise provided by Wyoming statutes or for the owner of the property, the contents of real estate appraisals made for the state or a political subdivision thereof, relative to the acquisition of property or any interest in property for public use, until such time as title of the property or property interest has passed to the state or political subdivision. The contents of the appraisal shall be available to the owner of the property or property interest at any time;
 - (v) Interagency or intraagency memoranda or letters which would not be available by law to a private party in litigation with the agency;
 - (vi) To the extent that the inspection would jeopardize the security of any structure owned, leased or operated by the state or any of its political subdivisions, facilitate the planning of a terrorist attack or endanger the life or physical safety of an individual, including:
 - (A) Vulnerability assessments, specific tactics, emergency procedures or security procedures contained in plans or procedures designed to prevent or respond to terrorist attacks or other security threats;
 - (B) Building plans, blueprints, schematic drawings, diagrams, operational manuals or other records that reveal the building's or structure's internal layout, specific location, life and safety and support systems, structural elements, surveillance techniques, alarms, security systems or technologies,

Wyo. Stat. § 16-4-203

operational and transportation plans or protocols, personnel deployments for airports and other mass transit facilities, bridges, tunnels, emergency response facilities or structures, buildings where hazardous materials are stored, arenas, stadiums and waste and water systems;

- (C)** Records of any other building or structure owned, leased or operated by the state or any of its political subdivisions that reveal the building's or structure's life and safety systems, surveillance techniques, alarm or security systems or technologies, operational and evacuation plans or protocols or personnel deployments; and
 - (D)** Records prepared to prevent or respond to terrorist attacks or other security threats identifying or describing the name, location, pharmaceutical cache, contents, capacity, equipment, physical features, or capabilities of individual medical facilities, storage facilities or laboratories established, maintained, or regulated by the state or any of its political subdivisions.
- (vii)** An application for the position of president of an institution of higher education, letters of recommendation or references concerning the applicant and records or information relating to the process of searching for and selecting the president of an institution of higher education, if the records or information could be used to identify a candidate for the position. As used in this paragraph "institution of higher education" means the University of Wyoming and any community college in this state.
- (c)** If the right of inspection of any record falling within any of the classifications listed in this section is allowed to any officer or employee of any newspaper, radio station, television station or other person or agency in the business of public dissemination of news or current events, it may be allowed to all news media.
- (d)** The custodian shall deny the right of inspection of the following records, unless otherwise provided by law:
- (i)** Medical, psychological and sociological data on individual persons, exclusive of coroners' verdicts and written dockets as provided in W.S. 7-4-105(a);
 - (ii)** Adoption records or welfare records on individual persons;
 - (iii)** Personnel files except those files shall be available to the duly elected and appointed officials who supervise the work of the person in interest. Applications, performance ratings and scholastic achievement data shall be available only to the person in interest and to the duly elected and appointed officials who supervise his work. Employment contracts, working agreements or other documents setting forth the terms and conditions of employment of public officials and employees are not considered part of a personnel file and shall be available for public inspection;
 - (iv)** Letters of reference;
 - (v)** Trade secrets, privileged information and confidential commercial, financial, geological or geophysical data furnished by or obtained from any person;
 - (vi)** Library, archives and museum material contributed by private persons, to the extent of any limitations placed thereon as conditions of the contributions;
 - (vii)** Hospital records relating to medical administration, medical staff, personnel, medical care and other medical information, whether on individual persons or groups, or whether of a general or specific classification;
 - (viii)** School district records containing information relating to the biography, family, physiology, religion, academic achievement and physical or mental ability of any student except to the person in interest or to the officials duly elected and appointed to supervise him;
 - (ix)** Library patron transaction and registration records except as required for administration of the library or except as requested by a custodial parent or guardian to inspect the records of his minor child;
 - (x)** Information obtained through a 911 emergency telephone system or through a verification system for motor vehicle insurance or bond as provided under W.S. 31-4-103(e) except to law enforcement

Wyo. Stat. § 16-4-203

personnel or public agencies for the purpose of conducting official business, to the person in interest, or pursuant to a court order;

- (xi)** Records or information compiled solely for purposes of investigating violations of, and enforcing, internal personnel rules or personnel policies the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (xii)** Information regarding the design, elements and components, and location of state information technology security systems and physical security systems;
- (xiii)** Records or information relating to individual diagnoses of contagious, infectious, communicable, toxic and genetic diseases maintained or collected by the Wyoming state veterinary laboratory as provided in W.S. 21-17-308(e);
- (xiv)** Information concerning an agricultural operation, farming or conservation practice, or the land itself, if the information was provided by an agricultural producer or owner of agricultural land in order to participate in a program of the state or any agency, institution or political subdivision of the state. The custodian shall also deny the right of inspection to geospatial information maintained about the agricultural land or operations. Provided, however, that if otherwise permitted by law, the inspection of the information described in this paragraph shall be allowed in accordance with the following:
 - (A)** The custodian may allow the right of inspection when responding to a disease or pest threat to agricultural operations, if the custodian determines that a threat to agricultural operations exists and the disclosure of information is necessary to assist in responding to the disease or pest threat as authorized by law;
 - (B)** The custodian shall allow the right of inspection of payment information under a program of the state or of any agency, institution or political subdivision of the state, including the names and addresses of recipients of payments;
 - (C)** The custodian shall allow the right of inspection if the information has been transformed into a statistical or aggregate form without naming:
 - (I)** Any individual owner, operator or producer; or
 - (II)** A specific data gathering site.
 - (D)** The custodian shall allow the right of inspection if the disclosure of information is pursuant to the consent of the agricultural producer or owner of the agricultural land;
 - (E)** As used in this paragraph:
 - (I)** "Agricultural operation" means the production and marketing of agricultural products or livestock;
 - (II)** "Agricultural producer" means any producer of livestock, crops or dairy products from an agricultural operation.
- (xv)** Within any record held by an agency, any income tax return or any individual information derived by the agency from an income tax return, however information derived from these documents may be released if sufficiently aggregated or redacted so that the persons or entities involved cannot be identified individually;
- (xvi)** Except as required in a contested case hearing, any individual records involved in any workers' compensation claim, however information derived from these documents may be released if sufficiently aggregated or redacted so that the persons or entities involved cannot be identified individually;
- (xvii)** Any records of the consensus revenue estimating group as defined in W.S. 9-2-1002, that discloses information considered by, or deliberations or tentative decisions of, the group;
- (xviii)** Information obtained through a peace officer recording provided that:
 - (A)** The custodian shall allow the right of inspection to law enforcement personnel or public agencies for the purpose of conducting official business or pursuant to a court order;

- (B)** The custodian may allow the right of inspection:
- (I)** To the person in interest;
 - (II)** If the information involves an incident of deadly force or serious bodily injury as defined in W.S. 6-1-104(a)(x);
 - (III)** In response to a complaint against a law enforcement personnel and the custodian of the information determines inspection is not contrary to the public interest;
 - (IV)** In the interest of public safety.
- (xix) [Effective July 1, 2018] Any records of the investment funds committee, created by W.S. 9-4-720, that disclose information considered by the committee, committee deliberations or tentative decisions of the committee.*
- (e)** If the custodian denies access to any public record, the applicant may request a written statement of the grounds for the denial. The statement shall cite the law or regulation under which access is denied and shall be furnished to the applicant.
 - (f)** Any person denied the right to inspect any record covered by this act may apply to the district court of the district wherein the record is found for an order directing the custodian of the record to show cause why he should not permit the inspection of the record.
 - (g)** If, in the opinion of the official custodian of any public record, disclosure of the contents of the record would do substantial injury to the public interest, notwithstanding the fact that the record might otherwise be available to public inspection, he may apply to the district court of the district in which the record is located for an order permitting him to restrict disclosure. After hearing, the court may issue an order upon a finding that disclosure would cause substantial injury to the public interest. The person seeking permission to examine the record shall have notice of the hearing served upon him in the manner provided for service of process by the Wyoming Rules of Civil Procedure and has the right to appear and be heard.
 - (h)** Notwithstanding any other provision of this section, the following applies to the Wyoming natural diversity database located at the University of Wyoming and any report prepared by the custodian from that database:
 - (i)** The custodian may charge a reasonable fee for searching the database and preparing a report from that database information. The interpretation of the database in a report shall not contain recommendations for restrictions on any public or private land use;
 - (ii)** The custodian shall allow the inspection of all records in the database at a level of spatial precision equal to the township, but at no more precise level;
 - (iii)** Research reports prepared by the custodian funded completely from nonstate sources are subject to paragraph (b) (iii) of this section;
 - (iv)** Any record contained in the database pertaining to private land shall not be released by the University of Wyoming without the prior written consent of the landowner. Nothing in this paragraph prohibits the release of any information which would otherwise be available from any other information source available to the public if the original source is cited.

History

Laws 1969, ch. 145, § 3; W.S. 1957, § 9-692.3; W.S. 1977, § 9-9-103; Laws 1981, Sp. Sess., ch. 22, § 1; 1982, ch. 62, § 3; 1987, ch. 62, § 1; 1989, ch. 10, § 1; 1990, ch. 73, § 2; 1991, ch. 123, § 1; 2001, ch. 109, § 1; 2002 Sp. Sess., ch. 53, § 1; 2003, ch. 64, § 1; 2005, ch. 49, § 1; 2006, ch. 54, § 1; ch. 114, § 1; 2011, ch. 144, § 2; 2012, ch. 74, § 1; 2013, ch. 2, § 1; 2015, ch. 131, § 1; 2016, ch. 118, § 2; 2017, ch. 201, § 1; ch. 202, § 2.

End of Document