

The South

Tennessee

Knoxville News Sentinel

<http://www.knoxstudio.com/shns/story.cfm?pk=SUNSHINE-03-13-06&cat=WW>

Government moves to reclassify documents

By LANCE GAY

Scripps Howard News Service

WASHINGTON - For at least seven years, it's been publicly known that 12 days before Red Chinese troops poured over the Korean borders, the CIA issued an intelligence estimate flatly predicting that wouldn't happen.

"Such action is not probable in 1950," the CIA concluded.

But the original 56-year-old document has been reclassified and taken out of public view sometime in the last seven years - one of more than 55,000 pages of previously declassified documents that have been swept from the shelves of the National Archives and removed from public scrutiny as part of a government program of trying to reclassify declassified documents - even some from the World War II era.

Intelligence historian Matthew Aid ridiculed government efforts to put a secrecy stamp back on the documents, noting that it took a laborious process of review to get the papers declassified in the first place.

He noted that that many of the documents reclassified at the National Archives were published in scholarly articles, copied on microfilms and distributed to libraries across the country - or even published by the U.S. government itself in the official series "Foreign Relations of the United States."

"It's silly to reclassify at this point - the screeners should have known that," Aid said. He said the CIA employed spies nearing retirement age as screeners, and they seem to have employed Cold War judgments in deciding whether some documents should be public.

"It's just a massive waste of money," and seems justified only to hide CIA blunders, he said.

The National Security Archives, a private organization associated with George Washington University, has assembled a partial list of the reclassified documents and concludes that many appear banal. One withdrawn document involves agrarian-reform programs in Guatemala from 1945 to 1956, while another is concerned with highway transportation in the Soviet Union after World War II.

Also reclassified were translations from a Soviet encyclopedia and documents involving official U.S. government foreign travel in 1959. And a withdrawn 1949 document involves the CIA's admission that the intelligence community's knowledge of Soviet weapon research and development was poor.

The disappearing documents at the National Archives are just part of a pattern of activities across the U.S. government in recent years.

In the wake of the 9/11 attacks, government Web sites have been scrubbed of any materials that might be of assistance to terrorists - from architectural designs of aged bridges, to maps of high-pressure gas lines, information on plant and animal diseases, and the layouts of nuclear-power plants. Additionally, the Justice Department has instructed government agencies to take the strictest interpretation under the Freedom of Information Act to withhold any information that might damage the security of the homeland.

Secrecy News, a weekly publication of the Federation of American Scientists assembled by researcher Steven Aftergood, has tracked the withdrawals. In the latest disclosure, the Civil Air Patrol, the civilian arm of the U.S. Air Force, announced in January that it will no longer publicly disclose the radio frequencies it uses because such information is now judged to be "sensitive but unclassified" information.

All of that material is being added to the pile of papers marked with secrecy stamps that end up in National Archives vaults, waiting to be declassified. More than 15.6 million documents were classified in 2004 alone - an 80 percent increase over the number of documents stamped secret in 2001, and costing more than \$7 billion to store.

In 1995, President Bill Clinton issued an executive order directing the Archives to declassify en masse all documents more than 25 years old. Clinton's order has exemptions for very sensitive documents - for example, material that might disclose the identities of CIA informants, or explain how to build a nuclear bomb.

The deadline for completing that declassification is December, but Archives spokeswoman Susan Cooper said the schedule has been disrupted by the issue of reclassifying previously declassified documents.

Archivist Allen Weinstein has ordered a moratorium on any further documents being withdrawn from public view, and asked for new guidelines to be written concerning any further withdrawals. Weinstein said he's also ordered an audit to come up with a complete list of documents withdrawn.

Cooper said staff involved in the declassification of 25-year-old documents have been diverted to complete the audit.

"This program is only going to slow us down," she said. "Since 1995, we've declassified 1.4 billion pages, and that's huge. But we've got a lot more to go through."

Louisiana

Shreveport Times

<http://www.shreveporttimes.com/apps/pbcs.dll/article?AID=/20060311/NEWS01/60311001>

Louisiana's Sunshine Laws show some dark spots



By John Hill

jhillbr@gannett.com

Editor's note: Newspapers, broadcasters and others are celebrating Sunshine Week, emphasizing the importance of open government to the public. The Times and shreveporttimes.com will feature stories this week that drive dialogue about why open government is important to everyone, not just to journalists.

BATON ROUGE — When Louisiana residents want to see the records showing what their government is doing, the state laws are a pretty good ally.

Louisiana ranks at the top nationally for defining what records the public can see, according to the University of Florida's Brechner Center for Freedom of Information.

But there are some pretty dark skies in some areas, such as exempting all public documents in the governor's office from disclosure laws.

The center's Citizen Access Project grades states on the availability of records and access to meetings in a seven-step scale, from bright and sunny to completely dark sky. When it comes to defining public records, Louisiana is mostly sunny with some clouds ranking — fifth on the seven-point scale.

"We are not engrossed in total sunshine, but we're in good shape," said Jim Brandt,

president of the Public Affairs Research Council of Louisiana, the nonprofit, nonpartisan governmental think tank.

“We have a pretty good set of Sunshine Laws,” he said. “The problem is fighting off exceptions. Every time the Legislature meets, there are exemptions considered. Accumulation of exemptions is our great potential problem.”

One weakness in Louisiana is the lack of a mediator within state government, a sort of ombudsman who would work for residents in helping secure public records.

“This is a long-standing (Public Affairs Research Council) recommendation,” said attorney Charlotte Bergeron, who tracks public records and open meetings laws for the council and consults with residents seeking records.

Florida, the Sunshine State that gave its nickname to aggressive public records laws that let the sun shine in on governmental agencies, has such a mediator in the attorney general’s office, she said.

“Our attorney general’s office has objected to the role because they are assigned to represent various public bodies, and they see it as a conflict,” Bergeron said.

So, the only remedy available to a resident when denied access to public records is either to file a lawsuit or make an official complaint to the local district attorney’s office or the state attorney general’s office.

“They have to file suit or explain why they will not,” Bergeron said. “In most cases, a citizen is left on his own to bear the burden of the cost of a lawsuit, and that, unfortunately, is beyond the reach of most citizens.”

Balance needed

Since President Bush took office in 2001, there has been an erosion of freedom of information laws nationally, said Sandra Chance, director of Florida’s Brechner Center for Freedom of Information.

“The Bush administration came in with the agenda of recovering some of the executive privileges and exemptions to the access to public information from the more recent changes in public information laws,” Chance said.

The president issued executive orders taking more information out of public view, such as who attended meetings at the White House. That’s how the White House has kept secret the names of energy company executives who met with Vice President Dick Cheney as part of his energy task force.

“Access to public information is a check on the government’s power,” Chance said. “An informed citizenry is one of the cornerstones of our democracy. Without information about what our government is doing, we can’t make assessments about the decisions our

government is making.”

The Sept. 11, 2001, terrorist attacks initiated a move toward even more secrecy.

“After Sept. 11, the administration began drastic changes in the access to public information,” Chance said.

While there is a need for security, “there clearly needs to be a balance between appropriate protections for national security and the ability of the public to have access to information about its government,” she said.

Trickle down darkness

The homeland security law changes trickled down to the Louisiana Legislature, which in 2002 made more records inaccessible to the public, such as plans for bridges, security plans filed by petrochemical companies, utilities and ports and emergency evacuation plans.

“We have to be careful in shutting down public records,” said Linda Lightfoot, executive editor of The Advocate in Baton Rouge and head of the Louisiana Press Associations’ Editors Committee that deals with freedom of information issues.

“One issue is convincing the public that there are entities out there, other than the media, that really need access to documents, such as people doing substantive research on government,” Lightfoot said.

Another problem arising in Louisiana law is the increasing use of e-mail in developing public policy, she said. For example, members of state boards who sit in meetings and e-mail each other on their wireless communications systems, keeping the reasoning behind the development of public policy hidden.

“When we were dealing with the paper world and you were allowed to see the file, you could view the ideas that went into policy development. E-mail is very easy to be lost, and it is a lot more difficult to follow,” Lightfoot said.

Bergeron said it is interesting to note that the state has notified state employees that their e-mails should be considered public records, and while they can delete such things as jokes or making arrangements to meet for lunch, most of it has to be preserved.

“Our laws are very broad about what is a public record. They can be in any format,” Bergeron said.

Dark courts

The electronic age has one benefit: the Louisiana Legislature’s Web site, which ranks very high nationally in available information. The House of Representatives even

archives all committee hearings, although the Senate does not. Nevertheless, a resident can access all copies of bills, amendments, see changes as they are happening and even watch live meetings over the Internet. The governor's Web site also video streams her news conferences.

"Access to documents in our Legislature is really phenomenal," Lightfoot said. "Louisiana is very, very advanced when compared to other state legislatures."

That sunshine in legislative halls doesn't extend to Louisiana courts, notes Loyola University communications professor Sherry Alexander, a specialist in access to the courts.

"We are the low man on the totem pole," Alexander said. "We have one of the least accessible court systems of any state.

"We don't have cameras in the trial courts, and our judges routinely issue gag orders," she said. "The state's judges are just not public-friendly."

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To learn more

For more information about Louisiana's laws governing open meetings and public records, or to check how Louisiana ranks nationally, here are some helpful Web sites:

The Louisiana Attorney General's Office offers helpful information, including references to the attorney general's opinion at one of these sites: for public records, www.ag.state.la.us/publicrecords.aspx; for open meetings, www.ag.state.la.us/openmeetings.aspx.

The Secretary of State's Louisiana Records Management Division provides information on record retention and guidance on managing electronic records: www.sec.state.la.us/archives/records/recmgt-index.htm#contract

The Public Affairs Research Council of Louisiana includes a long primer on citizens' rights, including a suggested letter officially requesting public records, at their site: www.la-par.org, click on "PAR publications and products" and scroll to "Citizen's Rights." For help, call the council at (504) 926-8414.

The University of Florida's College of Journalism and Communications runs the Marion Brechner Center for Freedom of Information's Citizen Access Project that rates all state laws concerning freedom of information. Visit www.citizenaccess.org to learn more.

The coalition of Journalists for Open Government and the American Society of Newspaper Editors offers resources, including a report, "Secrecy on the March," detailing the erosion of freedom of information laws. Learn more at www.sunshineweek.org.

- [Sample Federal FOI ACT Request Letter](#)
- [Citizens' rights under the Open Meetings Law \(R.S. 42:4.1-13\)](#)
- [Citizens' rights under the Public Records Law \(R.S. 44:1-41\)](#)
- [Sample letter to request public records \(from Public Affairs Research Council of Louisiana\)](#)

<http://www.shreveporttimes.com/apps/pbcs.dll/article?AID=/20060311/NEWS01/60308003>

Citizens' rights under the Public Records Law (R.S. 44:1-41)

Provided by the Public Affairs Research Council of Louisiana

Anyone 18 or older has the right to examine, copy or obtain a copy of a public record (unless specifically exempted) of any public body including any state, parish or municipal agency or board (including the Legislature). Public records requests may be submitted by mail (by court ruling). Generally anything "having been used, being in use or prepared" for use in the conduct of public business is a public record, regardless of physical form. Public records include such things as drafts of documents, statistics, maps, letters, memos, budget requests, budgets, tapes, electronic data, payrolls, certain retirement information, and tax assessment rolls.

Records exempted

The public records law exempts certain records of state and local agencies and cites all exemptions found in other state laws. Federal laws and court rulings provide additional exemptions. In general, exemptions are designed to prevent disclosure of confidential medical and personal information; proprietary and financial data of individuals and businesses (including tax returns and some information regarding occupational licensing); and selected records of financial institutions.

Exemptions in the state public records law include records pertaining to a legislative investigation in progress and certain records of prosecutive, investigative, law enforcement and correctional agencies or public health investigators. Some law enforcement records become public once relevant litigation is settled or a final judgment of conviction is made.

The following information in an initial police report is public record: a narrative description of the alleged offense; its time, date and location; the name and identification of each person charged with the alleged offense or arrested for it; the property or vehicles involved and the names of the investigating officers. Subsequent investigations and reports are not public record.

Other exemptions include nonfinancial records in the governor's custody as well as internal municipal auditors' working papers until the audit is completed. Certain public employee information is exempt including unlisted home phone numbers, home addresses and phone numbers (at employee's request), Social Security numbers, personnel evaluations (by court ruling), and medical, insurance and some retirement records. Attorney and expert work product done in preparation for trial is exempt.

(For additional detail and exemptions, see full text of the public records law, available from PAR.)

Exercising the right to see a public record

A request for a record should be as specific as possible. A written request can provide documentation for subsequent action if the custodian denies the request.

No fees may be charged for inspecting records during regular business hours. A requester may be asked to pay in advance if overtime is required to make a public record available.

The custodian of a record may ask for identification and proof of age. He is also allowed to ask whether a requester is a convicted felon. (A convicted felon who has exhausted all appeals may only request certain records.) A requester may also be required to sign a register. The custodian must provide "all reasonable comfort and facility" for reviewing the record. A copy must be provided, if requested, although a reasonable fee may be charged. The law directs state agencies to charge 25 cents per page for standard size copies. Other public bodies may charge what they deem to be "reasonable." These charges vary significantly among public bodies. An attorney general opinion has recommended that custodians follow the state agency fee schedule.

If not in "active use" when requested, the record must be "immediately presented." The custodian is required to delete the confidential portion of a record and make the remainder available. If it is unreasonably burdensome or expensive for the custodian to separate the public portion of the record from the confidential portion, the custodian must provide a written statement explaining why. If the record is in "active use," the agency must "promptly certify this in writing" and set a day and an hour within three working days from receipt of the request when the record will be available.

If the agency says the record requested is not in its custody, it must "promptly certify this in writing" and "state in detail" the reason for the record's absence, its location and who has custody.

Enforcing the Public Records Law

A custodian who determines a record is not public, must provide written reasons, including the legal basis, within three working days. If a requester is denied a public record by a custodian or if five business days have passed since the initial request and the custodian has not responded, the requester may file a civil suit to enforce his right to access. The custodian bears the burden of proving that the record is not subject to disclosure because of either privacy rights or a specific exemption. The law requires the courts to act expeditiously in such suits and to render a decision "as soon as practicable."

If the requester prevails in the suit, the court will award reasonable attorney's fees and other costs. If the requester partially prevails, the court may, at its discretion, award reasonable attorney's fees or an appropriate portion thereof. (The custodian and the public body may each be held liable for the payment of the requester's attorney's fees and other costs of litigation; however, the custodian cannot be held personally liable for these fees and costs if he acted on advice from a lawyer representing the public body.)

The court may also award the requester civil penalties of up to \$100 for each day the custodian arbitrarily failed to give a written explanation of the reasons for denying the request. In addition, if the court finds that the custodian arbitrarily or capriciously withheld a public record, it may award actual damages proven by the requester to have resulted from the custodian's action. (The custodian may be held personally liable for the actual damages unless his denial of the request was based on advice from a lawyer representing the public body.)

In addition to civil remedies, the law also provides criminal penalties. Anyone with custody or control of a public record who violates the law or hinders the inspection of a public record will be fined \$100 to \$1,000, or imprisoned for one to six months upon first conviction. For a subsequent conviction, the penalty is a fine of \$250 to \$2,000 or imprisonment from two to six months, or both.

<http://www.shreveporttimes.com/apps/pbcs.dll/article?AID=/20060314/NEWS01/603140331>

DA: Public has a right to know what its government is doing

Don Burkett has pursued complaints lodged at public governing bodies.

By Vickie Welborn
vwelborn@gannett.com

- [Louisiana's Sunshine Laws show some dark spots](#)
- [AP chief: Too much information is classified](#)
- [People v. Government](#)
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- [Sample letter to request public records \(from Public Affairs Research Council of Louisiana\)](#)

MANSFIELD -- A strong, long-held philosophy that elected officials work for the public is a guiding factor in DeSoto-Sabine District Attorney Don Burkett's staunch support of the state's open meetings and public record laws.

The public has a right to know what it's government is doing at every level, he said, and that is why on several occasions during his 21 years as district attorney, Burkett has required other elected officials in the two parishes he serves to adhere to what is commonly referred to as the state's Sunshine Laws.

"It is the law, and I took an oath to uphold the law," Burkett said of his foremost reason for making sure public officials follow open meeting guidelines and provide records upon request.

Equally important is a conviction that government officials are public servants and "not above the people that we serve," Burkett said.

State law says each district attorney "shall enforce" the provisions of the open meetings law and "shall institute" legal proceedings when a complaint is filed, unless written reasons are given as to why a suit should not be filed. And any individual can pursue enforcement in civil court.

While Burkett has never taken any other public official to court for violation of the laws, his letters to and personal visits with governing bodies have caused many to reverse decisions in response to public complaints.

But Burkett is not alone in the ranks of district attorneys who do not shy away from enforcing the state's Sunshine Laws. Red River Parish District Attorney Bill Jones has taken the parish's School Board to court twice after accusing them of open meetings violations. Bossier-Webster District Attorney Schuyler Marvin has had to get involved in disputes with the city of Bossier and Bossier Parish School Board.

The DeSoto Parish Police Jury, Sabine Parish School Board and Sabine River Authority have been on the receiving end of reminders from Burkett and First Assistant District Attorney Bob Plummer, who is Burkett's go-to person on civil issues, on open meetings issues.

On several occasions, the public bodies had to undo votes.

Burkett's push for openness is reflected in his staff and in their handling of criminal matters.

"When we have a pending criminal case, the file is not open, but when the case is completed, the law provides that it is open to the public."

The district attorney acknowledges there are some situations outlined in the state law that require closed-door meetings, such as the discussion of litigation or some personnel related matters.

"But in general, the day-to-day business should be open to the public," Burkett said.

"As a government official at whatever level, we serve the people ... and they have the

right to know what's going on."

AT A GLANCE

DeSoto-Sabine District Attorney Don Burkett and his staff have been involved in a variety of open meetings complaints. Following are some.

February 2002: First Assistant District Attorney Bob Plummer notifies the DeSoto Police Jury of its failure to post on its public agenda plans for an executive session and a legal reason for the executive session.

June 2003: Burkett requires the Sabine River Authority to begin tape-recording its executive sessions as a compromise to a citizen complaint filed about an open meetings violation. The tapes are to be retained for 90 days and are only available for review by court order following a meeting violation complaint.

November 2003: Burkett tells the Sabine School Board it violated the open meetings law when it improperly cast votes in an executive session held during the early stages of superintendent selection. The board had to call a second meeting and redo the voting process.

February 2004: Burkett serves notice on the DeSoto Police Jury of its failure to provide a sufficient agenda for a January 2004 meeting in which the name of a Grand Cane road was changed without proper public notice. The Police Jury had to undo votes taken during committee meetings and a subsequent regular meeting, thus abandoning plans to change the road name. The issue also prompted the Police Jury to change the date and time of its committee meetings, setting them a full week before the Police Jury's regular meeting.

"... The day-to-day business should be open to the public. As a government official at whatever level, we serve the people. ... And they have the right to know what's going on."
-- Don Burkett, DeSoto-Sabine district attorney

Mississippi

Jackson Clarion ledger

<http://www.clarionledger.com/apps/pbcs.dll/article?AID=/20060320/OPINION/603200307>

Public records, meetings are yours to savor

**By Jeanni Atkins
Special to The Clarion-Ledger**

Love a good mystery? I do. But you ought not to have to be as resilient and intrepid as Nevada Barr's Anna Pidgeon or The Pelican Brief's Darby Shaw to unravel mysteries about what your government is up to.

Yet sometimes the talents of a detective are required to find out what went on in meetings or dig out the gems of information hidden from public view in documents when government tries to keep the public in the dark.

Access laws provide the legal tools of procedures needed to pry open government doors and unlock government secrets.

IT'S THE PUBLIC'S BUSINESS

The Open Meetings Act states that "it is hereby declared to be the policy of the State of Mississippi that the formation and determination of public policy is public business and shall be conducted at open meetings except as otherwise provided therein."

The public has a right to receive notices of meetings, to attend, to get access to minutes of proceedings containing a clear explanation of issues and deliberations and votes as well as to tape record what transpires.

Whether any action is taken on issues doesn't affect the requirement for public bodies to hold meetings.

Formation of policy should occur in public sessions - not in conferences among members of an agency prior to the meeting or discussion by phone or e-mail or over coffee or a meal.

The Public Records Act states that it's "the policy of the Legislature that public records must be available for inspection by any person" and "providing access to public records is a duty of each public body."

Duty is the key word.

If a record of a state or local agency doesn't fall under the specific exemptions stated in the law, then you have the right to inspect and to copy it.

PROVIDING RECORDS IS VITAL

Public officials are under a legal obligation to provide public records no matter what form they may take - electronic or otherwise.

Citizens should be included in the process of formulation of policies which affect their lives.

Drawing a veil of secrecy around the actions and decisions of public officials arouses suspicion.

Secrecy, the Supreme Court has said, is fundamentally anti-democratic.

Secrecy invites corruption, waste, fraud, deception and purchasing of influence by interest groups and individuals who are furthering private rather than public ends.

The press enjoys broad First Amendment protection precisely because of the important role journalists play in society by baring the secrets of government, gathering and disseminating information and serving as a watchdog to ensure that taxpayer dollars are being spent wisely and decisions made are in the best interests of the public.

Members of public bodies are accountable to the citizens who pay their salaries.

Keeping government accountable is what access to meetings and records is about.

Getting access to government meetings and documents shouldn't have to be a process of detective work to solve mysteries about how money is being spent and policies are made.

Public bodies have the duty and responsibility to provide access to the decision-making process of government.

In short, it's your right as a citizen in a democracy to receive information that the First Amendment protects.

South Carolina

Myrtle Beach Sun News

<http://www.myrtlebeachonline.com/mld/myrtlebeachonline/news/local/14120460.htm>

Freedom of Information bills bolster law in S.C.

By Jim Davenport
The Associated Press

COLUMBIA - A series of bills to strengthen the state's open meetings and records laws have been introduced in the state House.

Rep. Phil Sinclair, R-Spartanburg, filed four bills this week that would target chance meetings that skirt the law, require affidavits when public officials close meetings, shorten the time that public bodies have to respond to requests and cap copying costs.

The measures, filed in the midst of the news media's national recognition of Sunshine Week for open meetings and records, target issues in South Carolina's Freedom of Information Act that have created problems for the media and the public.

"It's very appropriate to do it during Sunshine Week," said Bill Rogers, executive director of the S.C. Press Association.

Last year, the SCPA, The Associated Press and newspapers across the state examined how county councils and school boards conduct closed meetings and how police agencies handle public records.

Among the councils and boards, a quarter of the members surveyed said they had been in closed-door meetings where state law was broken because discussions strayed beyond the allowed topics.

The audit's findings prompted calls for a change that would require public bodies to sign affidavits after they've used a privilege in the FOI law to bar the public from discussions.

Sinclair's legislation would require all members of a public body to sign an affidavit swearing that they told the public what topics they would discuss and that they discussed only those behind closed doors. If they lie and are convicted, they could be fined \$100 and put in jail for up to six months.

That's similar to laws on the books in Georgia and Virginia, Rogers said, and it should help public bodies take executive sessions seriously and avoid making mistakes.

A related bill would target informal meetings that could be used to skirt the law. Currently, members of a public body can't use social gatherings, e-mail or chance meetings to circumvent the spirit of the law and act on items the public body controls. Under the legislation, public bodies would break the law even if they didn't take action during those encounters.

Last year's FOIA audit also found inconsistent copy fees at law enforcement agencies across the state despite a law that says public documents must be provided at the "lowest possible cost."

One of Sinclair's bills says government agencies can charge no more for copies than

<http://www.myrtlebeachonline.com/mld/myrtlebeachonline/news/local/14076392.htm>

Sunshine Week: Records of nursing home medication errors private

GARY D. ROBERTSON
Associated Press

RALEIGH, N.C. - When the General Assembly told the state's nursing homes in 2003 to begin studying how patients get the wrong medicines and to take steps to prevent such mistakes, lawmakers made a point to keep the public out of the process.

The law directed nursing homes form committees to look into the mistakes, but also required the records and proceedings of the committees be kept private. Information is whittled down into a report for the public about the industry as a whole, but reports about individual homes aren't available for public review.

"I think the idea behind it is to get people to report (and) that if the data was used in a negative way, that would deter agencies from reporting," said Beverly Speroff, head of the state office that regulates the state's roughly 400 nursing homes.

But the law also blocks access to what could be considered valuable data for families trying to make decisions about whether a nursing home is safe for a family member. Information about individual homes is only made public if a facility is formally cited for a high error rate or a mistake that results in serious injury or death.

The process "is a smoke screen to hide behind" for the nursing home industry, allowing it to keep error rates secret, said June Brotherton, a board member of Friends of Residents of Long-Term Care. "Whether it needs to hide behind a veil of secrecy, I have doubts about that."

The decision to limit access to the nursing home data in North Carolina is an example of a national trend limiting the public's access to government information since the Sept. 11, 2001, terrorist attacks, according to a new Associated Press analysis of laws in all 50 states. Nationwide, 616 of the 1,023 laws that changed the public's access to government information and meetings appear to have restricted the public's access to information.

In North Carolina, 13 of the at least 16 laws affecting the release of government information passed since the attacks appears to have restricted access. One loosened access, while another two each appear to have both restricted and loosened it.

Among the 13 that tightened access, laws that made confidential the terror response plans of local governments and a new statewide registry of stored biological agents received overwhelming support from the Legislature and few, if any, complaints from the media.

But many of the open meetings and public records laws passed or considered at the General Assembly since the attacks are unrelated to terrorism and homeland security. Rather, they reflect the public's growing concern that too much of their personal information is easily accessible.

An anti-identity theft law approved last year, for example, is designed to discourage governments and businesses from collecting Social Security numbers, although it doesn't prevent media outlets from obtaining public documents. The Legislature also barred the public review of official autopsy photos, largely on the fear that pictures could wind up on the Internet. The state's newspapers had fought for years to keep the photos open to public review.

"I think that people are reacting in a way to increase their privacy in response to things that are decreasing their privacy," said Amanda Martin, general counsel of the North Carolina Press Association. "The Internet potentially exposes information to anyone in the world. It's fundamentally different from ... 10 years ago."

The rules affecting nursing home data were included in a 2003 law, passed without a single vote of opposition, that ordered the creation of "medication management advisory committee" at every nursing home in the state. Comprised of a pharmacist, nursing director, physician and other staff, the committees are required to gather information about every error involving a patient's medication, which is forwarded to a research center at the University of North Carolina at Chapel Hill.

The data is analyzed for an annual report, which is made public. But by law, that report only includes cumulative information about the industry as a whole, and not individual nursing homes.

The 2004-05 annual report said there were 16,106 medication errors, potential errors or near misses made in the year ending last Sept. 30, covering patients in the state's 47,000 nursing home beds. The report found an overall error rate of .005 percent. Less than 1 percent of the errors caused temporary harm or required a trip to the emergency room.

Stacy Flannery, a lobbyist for the N.C. Health Care Facilities Association, which represents the nursing home industry, said the report shows nursing homes are doing a good job. She said the association provides information on its Web site to help consumers choosing a nursing home, including overall compliance rates of individual homes with federal regulations.

Flannery said keeping the data about violations at individual nursing homes private is key to the success of the study committees, which have improved patient safety.

"If you want the profession to accomplish those activities ... you can't expect them to open up that data to public scrutiny," Flannery said.

Consumers usually learn about medication administration problems at individual nursing homes when state regulators cite a facility for an error rate that exceeds 5 percent, measured during an annual inspection, Speroff said. That information is readily available on the federal Medicare program Web site.

Annual inspection documents are also available for those that are below 5 percent, but accessing them requires filing a formal public records request under the state's open records law, which can be a harrowing task. Patient identifying information must be redacted first from the document.

Brotherton said her patients' group lacked the political power to have the error rate records made public - information she said could benefit consumers.

"What we want is a more consistent information approach to this so that people have enough information to make decisions," she said.

ON THE NET

N.C. Open Government Coalition: <http://www.ncopengov.org>

Friends of Residents of Long-Term Care: <http://www.forltc.org>

N.C. Health Care Facilities Association: <http://www.nhcfa.org>

Georgia

Macon Telegraph

<http://www.macon.com/mld/macon/news/politics/14072089.htm>

After contentious year, bids to change open records slow

GREG BLUESTEIN

Associated Press

ATLANTA - Spooked by the election year, the contentious debate on scaling back the state's open records protections that marked last year's legislative session in Georgia seems eerily silent now.

When House lawmakers recently did take up a proposal that would chip away at the act - legislation that would close MARTA fare records to the public - it passed unanimously.

"In terms of open government, the volatility of last year is gone," said Hollie Manheimer, the director of the Georgia First Amendment Foundation and a leading advocate for government transparency.

The quiet could be interrupted after November's election, when GOP leaders could once again consider a proposal that would make the state's negotiations with businesses secret.

"Absolutely any agreement the state makes to supply services or consideration should be public information once it's done. But the negotiations over providing incentives to get companies should be confidential," said House Speaker Glenn Richardson in a recent interview.

Opponents contend closing the records robs the public of the right to know what its government is doing. Its backers say that Georgia is now at a disadvantage to other states that allow businesses to negotiate in private.

"That is how business works, that is how the government works," Richardson said. "There's a fine line between the public's right to know and the ability to get things done effectively."

Another proposal that would have allowed developers to submit plans for public-private partnerships in secret never reached a vote. To the delight of open records advocates, the plan was pronounced dead in a tongue-in-cheek committee meeting, where its Senate sponsors wheeled out a plastic skeleton.

While that proposal was laid to rest, at least temporarily, the Legislature did approve a few bills last year that curtailed some open records provisions.

The most contentious restricted access of the names of anonymous donors to universities, which critics said could allow schools to favor anonymous donors who gave money.

Richardson credited the legislation with helping Georgia Tech and Georgia State University earn considerable donations.

"The sky didn't fall and it's OK and it helped our colleges," he said. "It was a good bill."

This session, Richardson has battled the stigma that he favors secret meetings by opening them up online. For the first time, many House committee meetings and press conferences are broadcast on the Internet.

"If you tried to close these proceedings, I'd try to fight you. We're not going to close them," he said.

Some lawmakers, however, remain watchful for any more proposed changes to the state's open records laws.

Since 2002, a flurry of proposals that aimed to tighten or ban access to certain open records became law in Georgia, including legislation that closed records of state transportation bids and restricted the personnel files of some state employees. Much of the legislation was introduced in the name of privacy rights, economic development or security.

Under a Democrat-sponsored proposal, a constitutional amendment would be required to add more exceptions to the state's open government law.

And some Senate Democrats are cautioning against what they say is a more subtle infringement on the public's right to know: A House bill that exempts some government notices from being required to be published in the county's legal newspaper.

State Sen. Tim Golden, D-Valdosta, called it "another effort to put up a barrier that keeps the public from having access to the public's business."

Manheimer, for her part, said she isn't letting her guard now.

"I remember saying last year I was going to be vigilant," said Manheimer. "Now I'm going to be always ready for them. I'm glad they haven't been tried, but we'll be ready."

Florida

Bradenton Herald

<http://www.bradenton.com/mlid/bradenton/news/local/14075765.htm>

Florida treads cautiously before taking away access to records

BRENDAN FARRINGTON
Associated Press

TALLAHASSEE, Fla. - Since the Sept. 11 terrorist attacks, there's been a national trend among state governments to use security as a reason to close access to public records.

Florida, for the most part, hasn't followed along.

Immediately after the attacks, four bills were passed during a special session on security that closed public records. None were opposed by open government watchdogs. Since then few security related bills have passed.

That doesn't mean Florida lawmakers don't find other reasons to try to close records. Each of the last five years dozens of bills were filed seeking exemptions. Usually, though, privacy, identity theft and protecting businesses' proprietary information are the reasons cited for the need to close records.

The state, though, has been cautious - at least in the aftermath of Sept. 11 - at how far it goes. Many misguided efforts died, many bills were rewritten to balance the public interest in records with the desire to protect privacy and security. And while some bills opposed by open government advocates still become law, by the end of each session, the Legislature usually sides on the need to keep government open.

Part of the credit goes to Senate President Tom Lee and House Speaker Allan Bense, said Barbara Petersen, president of the First Amendment Foundation and a close tracker of all public records and open government bills.

"They weigh the issues, the competing interests, and make clear decisions on what might be a good bill and what might be a bad bill. They pay attention," Petersen said. "Most of the bad bills do die."

In the legislative session before the Sept. 11 attacks, 16 new exemptions to public record laws were passed. That total hasn't been reached in any year since the attacks.

After Sept. 11 "our legislators did an excellent job in deciding really what needed to be protected, what would make us more secure and created only those exceptions that were necessary," said Petersen.

Lee, R-Valrico, said security is an important issue, but agreed there needs to be a balance between personal rights and protection.

"We shouldn't back up on those individual liberties," Lee said. "But I think there are times in public life where the risks are sufficient that they warrant changes in public policy."

After planes were flown into the World Trade Center and the Pentagon, lawmakers took a closer look at what they could do to prevent other terrorist attacks. Some ideas were overzealous, like one proposal that would seal records detailing who sells crop dusters, as well as the FAA registration number of crop dusters that are already clearly visible on the planes' tails.

But the four exemptions that eventually became law immediately after the attacks ended up being reasonable by the standards of open government advocates.

They were laws that blocked access to meetings and documents related to threat assessment, emergency evacuation plans and security training; hospital emergency response plans for terrorist acts; the name and location of facilities where vaccines or other supplies were stored to respond to terrorist attacks; and what public records law enforcement agencies were seeking while investigating threats.

Since 2001, the lawmakers also have passed bills to block access to blueprints of government buildings or other places susceptible to an attack and allow the Domestic Security Oversight Council to discuss criminal investigations or intelligence information behind closed doors.

But there have been scores of other bills that seek exemptions for other reasons. That provides a constant battle for the First Amendment Foundation. In 2002, 150 bills were filed related to public records and open government. Another 150 were filed in 2003. Last year there were 96, but the total could be closer to 150 again this year.

"When I stop to think about it I really do get depressed. We've got a list longer than my arm - and I have very long arms - of bills we're tracking," Peterson said.

Many are legitimate, like laws that protect social security numbers and credit card numbers from being released to the public, or others that keep private personal health records.

Among those that have passed since Sept. 11, 2001 that the first amendment foundation has opposed are bills that prohibit law enforcement and others from keeping lists of gun owners, block access to the names of health care practitioners and facilities named in records held by the Patient Safety Corporation and keep private all personal identifying information in motor vehicle records unless the subject chooses to make them open.

Still, the Legislature did put a constitutional amendment on the ballot that was later approved by voters that requires two-thirds of the House and Senate approve any public records exemptions. Another recent law creates an additional criminal charges for anyone who obtains public records to commit crimes.

Lawmakers acknowledge that they have a responsibility to protect the public's access to government and records.

"If you look at the big picture, government should be open, government should be in the sunshine. Although there are exceptions, like you shouldn't have people's social security numbers because of identity theft, most information should be available to the public," said Sen. Ron Klieg, D-Delray Beach.

Klein is also hoping to pass a bill this year to force government agencies to respond more quickly to public records requests, saying people shouldn't have to wait months or face exorbitant fees to obtain records.

And lawmakers are usually willing to make changes to proposed records exemptions when they're shown limits go too far.

For example, Sen. Rod Smith is proposing legislation this year that would block access to crime scene photos or videos. His goal is to protect families from seeing images of their dead relatives in newspapers or on Web sites. He now sees, however, that too much access is denied the way the bill was first written. He said changes will be made.

"I don't believe there is a right to publish for gore at the expense of the privacy rights of families. I believe we need to balance that against open access to evidence in cases. That's what I'm trying to reach," said Smith, D-Alachua and a candidate for governor.

As filed, the bill would have kept the public from seeing a videotape released last month that showed a confrontation between juvenile boot camp guards and a boy who later died.

"Clearly there's a public policy that supports the release of that," Smith said. "I don't want to block legitimate access to information the public has a right to know. This serves as a check on the courts and prosecutors and defense lawyers."

Tampa Tribune

<http://news.tbo.com/news/nationworld/MGBX611GNKE.html>

Annual Debate On Again To Limit Sunshine Law

By MICHAEL FECHTER mfechter@tampatrib.com

TAMPA - News organizations want access to crime scene photographs gathered during an investigation into the murder of a little girl.

Businesses interested in moving to Florida fear the repercussions back home if their courtship is revealed.

An Orlando TV station posts on the Web the names and addresses of thousands of people who hold concealed weapon permits.

Twenty or 30 times each year, sticky situations like these produce calls for special exemptions to the state's renowned Sunshine Law - whose "comprehensive breadth and scope," according to an attorney general's analysis, "have served for many years as a model for the rest of the nation."

This weekend, inspired by Florida's example, newspapers nationwide highlight the importance of open government with the kickoff of Sunshine Week. This weekend, too, the Sunshine State and its lawmakers are preparing to consider some 50 proposed exceptions to the state's own Government in the Sunshine Law.

"It is usually some isolated incident, either high profile or not, and there's a knee-jerk response that we need to close access to this," said Barbara Petersen, president of the First Amendment Foundation, a Tallahassee-based organization that emphasizes the public's right to open government.

Sometimes the public's right to know collides with an individual's right to privacy, or a business's right to protect its trade secrets. Calls emerge to remove the material from public view.

Many of them are prompted by isolated but high-profile incidents. Fueling them are concerns that the unregulated nature of the Internet could make sensitive materials available for the world to see.

To watchdogs such as Petersen, there are better solutions that balance the competing interests.

Rather than cut off all access, for example, lawmakers could make it easier for crime victims and their families to sue a media outlet or Web site that publishes the material.

Autopsy Photos

Proposals restricting access to crime victim photographs build upon 2001 legislation prohibiting the release of autopsy pictures. They had been public records for decades.

That changed after the death in the Daytona 500 of legendary race car driver Dale Earnhardt. The Independent Florida Alligator wanted the pictures examined to see which injuries killed Earnhardt.

His widow sued to block the release, and lawmakers rallied to her side with a new law.

"The photographs are humiliating, disgusting and negative," Teresa Earnhardt said during the litigation. "That could be nothing but harmful and painful to anyone involved with my family, my company, our fans, anyone."

Attorney General Charlie Crist, a Republican candidate for governor, made the same argument in court last year in trying to block access to crime scene photographs of 11-year-old Sarasota rape and murder victim Carlie Brucia.

"The utility of these photographs in the public domain was tough to contemplate," Crist said last week.

Media outlets argued it was important to maintain access to all evidence presented to a jury and won a chance to view the files, but not make copies.

State Sen. Rod Smith, a Gainesville Democrat also running for governor, couldn't think of any such pictures published in Florida. But he's co-sponsoring a bill to establish an exemption for crime victim pictures in state law.

The bill calls for access through a judge. That's what state courts ordered 15 years ago, when Smith was Alachua County's state attorney prosecuting serial killer Danny Rolling.

Smith said he was concerned that the pictures might be published by people abroad and that Rolling's girlfriend might try to use them to sell her story for profit.

Smith said his bill would provide "an opportunity for public scrutiny, but the material would not be available for reproduction in any form."

Crime victims didn't ask to have their lives thrust into the public domain, said Sadie Darnell, a retired Gainesville police captain who was the department's spokeswoman during the Rolling murders.

To see their right to privacy sacrificed by their victimization is difficult to accept, she said.

"Clearly it's a revictimization," Darnell said. "It must be weighed. What's the public good?"

The judge's restriction on viewing the Rolling evidence was a bold step. But Darnell said the victims' families were shocked when people lined up at the local courthouse for a chance to view the files.

"It's creepy," she said. "It was unbelievably hurtful to know that their child's photograph was going to be exposed to strangers like a freak show."

Access advocates, on the other hand, including the American Society of Newspaper Editors, argue that even public records such as these need to be available for inspection - and they point to Earnhardt's case as an example.

NASCAR officials originally blamed the death on a faulty seat belt. But the Orlando Sentinel hired an independent expert and won a settlement with Earnhardt's widow allowing him to view the autopsy pictures. He concluded the race driver died when his head whipped violently on impact.

NASCAR later instituted new safety rules, including the use of head restraints to avoid similar fatalities.

Business Records

Sometimes the sensitive material deals with information a business doesn't want competitors to know. That's why state officials thus far have refused to release information about hundreds of thousands of dollars in tax rebates committed last year to MZM Inc., a business that promised to create 80 new high-wage jobs in Tampa.

MZM's chief executive officer, Mitchell Wade, pleaded guilty last month to bribing a congressman, but officials say an exemption places his request for secrecy above the public's right to see how he qualified for the state incentives.

The exemption, designed to help the state attract businesses while protecting the companies' interests, is up for renewal this year. It prohibits the release of proprietary information such as business plans if a company requests secrecy.

But officials interpret that as blocking the release of any information, including what factors state officials considered in agreeing to the tax breaks.

The governor's office released letters Wednesday canceling the agreement and showing MZM's successor didn't want the state's money. It won't provide MZM's original letter requesting the exemption or any communication that might not contain proprietary information.

Concealed Weapons

Lawmakers don't always need a real-life example to propose exemptions, said Charles Davis, executive director of the National Freedom of Information Coalition at the University of Missouri.

In Iowa, the Legislature passed a law keeping birth records from public hospitals exempt from public disclosure out of fear someone could use the information to target newborns for kidnapping. There was no evidence that had happened, Davis said.

The move to exempt information about people carrying concealed weapons is another example, he said. It follows a report in November that found the Orlando area is home to more holders of concealed weapon permits than any other part of Florida.

Some permit holders said the posting of their names and addresses on the station's Web site made them targets for home robberies and other threats. The proposed exemption passed the Senate Commerce and Consumer Services Committee on Wednesday by a 7-1 vote.

The First Amendment Foundation listed the bill among five pending exemptions it considers to be the most damaging. The autopsy and crime victim photograph bans are also on that list.

The gun issue involves law-abiding citizens. But they sought the special status of being able to carry a concealed weapon, the foundation's Petersen said. "That special status subjects them to a higher level of scrutiny."

If the exemption passes, the public won't be able to know whether a road rage episode involved a concealed weapon permit holder or whether people who don't qualify somehow sneak through the cracks and obtain permits, Davis said.

"How do you know if the policy is working if you don't have access to the data?" he asked. Parents won't be able to check their daughter's boyfriend to see whether he carries a weapon, Davis said.

"Don't I have a right to know if he's packing heat?" OPEN TO PUBLIC?

Here are three exemptions the Legislature will consider to the state Sunshine Law.

1) Concealed weapon permit holders: Pro - Access to their names and addresses could make them targets for criminals. Con - People have a right to know who is armed.

2) Crime victim/autopsy pictures: Pro - Risks of publication revictimize the victims and their families. Con - Examining the evidence can lead to new discoveries.

3) Economic Development Agency efforts to attract business: Pro - Protects companies' trade secrets and makes them more willing to come to Florida. Con - Public money is spent with no way to check who gets it or why.

Lakeland Ledger

<http://www.theledger.com/apps/pbcs.dll/article?AID=/20060312/APN/603120644>

and

Fort Lauderdale Sun Sentinel

<http://www.sun-sentinel.com/news/local/southflorida/sfl-312papers.0,4735089.story?coll=sfla-home-headlines>

Florida newspapers push for more open government

By ANDREA FANTA
Associated Press Writer

TALLAHASSEE, Fla. Newspapers across the state sent a unified message to their readers on Sunday: Keep the doors to Florida's government open.

Known as Sunshine Sunday, the day when Florida's reporters remind residents that transparent government isn't just about lobbyists and politicians. It's about the taxpayers who pay for government business.

To send this message, around 50 newspapers statewide printed editorials, cartoons and columns promoting the issue. They were also frank about some of the state's problems, which came to light during a statewide test by the First Amendment Foundation.

The nonprofit group, which promotes free press and speech, enlisted auditors in every county to make public records requests. They found that 42 percent of the 220 government agencies audited violated the law in some way, several state newspapers reported.

For example, "questionable public records practices related to e-mail correspondence locally included: charging \$10 for a blank computer disk to burn records onto in Deltona; quoting a rate of \$100 an hour for retrieving e-mail records in Palm Coast; and charging a \$13.78 hourly fee for simply viewing subject lines of city e-mails in Daytona Beach," The Daytona Beach News-Journal reported.

In Manatee County, an employee from The Herald in Bradenton audited the sheriff's office, the school district, the county administrator's office and the mayor's office.

"No one at the sheriff's office could tell the auditor where to find the call log or how to obtain it. In the municipalities, the auditor was referred to several people before being directed to a county or city attorney, who helped speed up filling of the requests," the newspaper reported.

But not all the audit results were grim. In Jacksonville, three of four tests performed by The Florida Times-Union were successful.

Florida taxpayers depend on open access laws. For example, parents want to know why their

school board is firing a favorite teacher, residents want to object to their city council's wastewater management plan, and home buyers want to be able to search title records for their new properties, said Barbara Petersen, president of the First Amendment Foundation.

"You can't have a democracy without open government," Petersen said. "People use open records every day, even if they don't realize it."

Petersen and other advocates continue to monitor efforts to curb open government standards. This year, Petersen has marked at least 34 bills for opposition from the foundation.

This is the fifth year the Florida Society of Newspapers Editors has sponsored Sunshine Sunday. Last year, the American Society of Newspaper Editors adopted the theme and turned it into a weeklong event when reporters across the country urge readers to demand that the doors to government stay open.

"Sunshine Week aims to empower the American people by demanding that government open its doors and allow a free flow of news and information," said Washington-Hodding Carter, honorary chairman for Sunshine Week 2006.

"With the totalitarian model of all-powerful Big Brother in retreat around the world, this is no time to tolerate it here at home," Carter said.

The Florida Times Union, Jacksonville

<http://cgi.jacksonville.com/cgi-bin/printit.cgi?story=ZZNOSTORYZZ>

41 bills threaten to cloud Sunshine

By MIKE GIMIGNANI

The Times-Union

TALLAHASSEE -- This year the frowns win, 41-2.

Every year, the First Amendment Foundation, which Barbara Petersen leads, publishes a list of bills relating to Florida's open-meetings and open-records laws under debate in the Legislature.

Like a kindergarten teacher would do with her students' finger-paintings, she puts a happy face next to a proposal that would expand Floridians' rights to watch over leadership and a sad face on the bills that would chip away at those rights.

In 11 years, Petersen has seen a lot more frowns than smiles.

"We take a lot of bad bills, and we try to fix them, but we never support an exemption. Ever," she said.

A little more than 120 exemptions have been proposed, covering everything from arrest and drug records to the location of state-owned archaeological digs.

And the number goes up every day. Petersen and her staff update their list constantly, but "I keep thinking, 'This is the year they only attack us with 50 bills,'" she said. "We should be so lucky."

Old is new again

Some of the biggest fish in the exemption pool are nothing new. State law requires the Legislature review and re-adopt any exemption to an open-government law within five years of its passing.

A bill exempting autopsy photographs, nicknamed the "Dale Earnhardt law" because it was passed amid the controversy of the NASCAR star's fatal crash at Daytona in 2001, is up for its five-year review. Several bills have been proposed to make the exemption permanent.

The sponsor of the original law, Sen. Jim King, said he didn't want anyone to have the opportunity to publish graphic photos or "sell them on eBay." A judge can allow the photos to be reviewed openly under certain circumstances, but never copied.

"Just because you're ... looking to get the photos shouldn't mean we need to give them to you," the Jacksonville Republican said. "You're going to have to prove the need to see them."

Tom Julin, a Miami lawyer who unsuccessfully argued the case to reverse the Earnhardt bill, said the policy is far too broad and restricts the right of the people to keep courts accountable.

"When you start to close down public access because of privacy concerns, there's a very high price that the public and the press pays," he said.

King and Sen. Rod Smith, D-Alachua, have proposed a new step this year: Senate Bill 1898 would make any police photo or video of victims at a crime scene exempt from inspection.

Critics have said the bill was proposed in response to a boot-camp scandal unfolding in the Department of Juvenile Justice. Smith said his priority is to prevent people from printing the photos for thrills or profit.

"When you have an obligation in a state that has a constitutional right to privacy and the public also has a right to broad access, you have to side on the right to privacy," he said.

Ups and downs

Smith, who's also running for governor, has introduced both bills the First Amendment Foundation supports. One of those would require any voting equipment used in elections to produce a paper record that could be used in a recount.

"There is a confidence level required in our democracy," he said. "People said when we switched to the electronic equipment that we don't need the records, but we absolutely need it more."

Under state law, any open-government exemption must include a statement of public necessity and must pass by a two-thirds vote in both the House and Senate.

"Before, exemptions would be buried in 400-page bills with little to no discussion to why they were needed," said Pat Gleason, general counsel for Attorney General Charlie Crist. "The more recent ones usually are much more compelling."

Gleason, a veteran of five attorneys general who called all five "champions of public access," said voters can usually tell who will fight for the public's right to access and mark their ballots accordingly.

"We are the Sunshine State, and we have to govern ourselves that way," she said. "For the most part, the people up here know that."

Not so open laws

Here are some of the bills under debate in the Legislature that would curtail the right to access information:

SB 592 by Sen. Bill Posey, R-Rockledge: Would continue the exemption, in effect since 2001, on access to autopsy photographs or videos.

HB 687 by Rep. Sandy Adams, R-Oviedo: Would restrict public access to personal information of applicants for state concealed-weapons permits.

HB 787 by Rep. Jennifer Carroll, R-Green Cove Springs/SB 1712 by Sen. Stephen Wise, R-Jacksonville: Would restrict public access to home parcel ID numbers maintained by county property appraisers for certain state employees.

SB 1448 by Sen. Gwen Margolis, D-Bay Harbor Island: Would restrict public access to e-mail addresses of individuals held by a state agency.

SB 1898 by Sen. Jim King, R-Jacksonville and Sen. Rod Smith, D-Alachua: Would restrict public access to photos or videos of the remains of a crime victim as part of a criminal investigation.

SB 446 by Sen. Skip Campbell, D-Tamarac: Would make it a felony to disclose or sell personal information about an individual without first getting that person's consent.

For more information on these bills, go to Jacksonville.com, keyword: legislature. People seeking public records can go to or call the department that keeps the records. In Jacksonville they also can call (904) 630-CITY to make the request.