

Alaska – State Public Records Laws

Citations	<p>Alaska Statutes § 40. 25.100 and Alaska Statutes Title 40, Chapter 21 (http://www.legis.state.ak.us/basis/statutes.asp#40.25.100 (Disposition of tax information); http://www.legis.state.ak.us/basis/statutes.asp#40.21.080)</p> <ul style="list-style-type: none"> • Access/right to inspect <ul style="list-style-type: none"> ○ http://www.akleg.gov/basis/statutes.asp#40.25.110 • Exemptions <ul style="list-style-type: none"> ○ http://www.akleg.gov/basis/statutes.asp#40.25.120 • Destruction <ul style="list-style-type: none"> ○ http://www.akleg.gov/basis/statutes.asp#40.21.080
Exemptions to Disclosure	<p>§ 40. 25.120 exempts:</p> <ul style="list-style-type: none"> • Records compiled for law enforcement purposes, to the extent could interfere with law enforcement proceedings • Records that are proprietary, privileged or trade secrets • Records subject to deliberative process privilege not automatically exempt, but defeat Public Records Act’s usual presumption of disclosure (burden shifts to requestor of the records) [Fuller v. City of Homer, 75 P.3d 1059 (2003), 113 P.3d 659 on subsequent appeal] • Terms of confidential agreements w/ the natural gas industry [2014 Alaska Laws Ch. 14 (S.B. 138)] • Information that is subject to a confidentiality agreement • Exceptions to the disclosure requirements of this section are construed narrowly in furtherance of the legislature's expressed bias in favor of broad public access. Municipality of Anchorage v. Anchorage Daily News, 794 P.2d 584 (Alaska 1990). • Government bears the burden of justifying the denial of access. <i>Id.</i> • A government agency is not entitled to delay access. <i>Id.</i>
Access Rights	<ul style="list-style-type: none"> • Every person • Time sheets are not exempt [Alaska Wildlife Alliance v. Rue, 948 P.2d 976 (1997)] • Inspection during regular office hours • “Reasonable fees” for copies – can be increased as needed to cover expenses • Any electronic info in printed form must come with an explanation of any codes/symbols • Apply to records maintained by municipalities • If court finds record to be subject to deliberative process privilege, burden shifts to requestor to show public’s interest in disclosure outweighs government’s interest in confidentiality. [Fuller v. City of Homer, 75 P.3d 1059 (2003), 113 P.3d 659 on subsequent appeal]
Destruction of Public Records	<ul style="list-style-type: none"> • § 40.21.080 – Records to be disposed must be routine with no legal, historical, or administrative value. Prior to disposal, must obtain approval of governing body of political subdivision, and file list of all records disposed of.