

Arizona – State Public Record Laws

Citations	<p>Arizona Revised Statutes Title 39, Chapter 1 (ARS 39-101 – 39-221) and Arizona Revised Statutes § 15-1640 http://www.azleg.gov/arsDetail/?title=39</p>
Exemptions to Disclosure	<p>39-125 states that public records can be withheld if they disclose the location of an archeological resource or historic place (or areas/objects that may qualify for inclusion) if such disclosure will subject such place/object at risk.</p> <p>If state can show interests in confidentiality, privacy, or best interests of the state outweigh public’s right of inspection under Public Records Law, State can properly refuse inspection (state bears burden of proof). [Scottsdale Unified School Dist. No. 48 of Maricopa County v. KPNX Broadcasting Co., 191 Ariz. 297, 955 P.2d 534 (1998)]</p> <p>AZ Rev Stat § 15-1640 states that University records are exempt from disclosure if: “1. Intellectual property that is a trade secret as defined in section 44-401 and that is contained in any of the following:</p> <ul style="list-style-type: none"> (a) Unfunded grant applications or proposals (b) Proprietary data or research material provided to a university by a third party who has an expectation that the data or material will remain confidential. In order to qualify for the exemption prescribed in this subdivision, the intellectual property must be provided to the university pursuant to a contract executed between the third party and the university that meets all of the following requirements: <ul style="list-style-type: none"> (i) The contract specifies that the intellectual property is being provided to the university and that there is a need for confidentiality. (ii) The contract is approved before the contract becomes effective by an official of the university who is authorized to sign research contracts. (iii) The contract includes the name or names of the third party, a general description of the research or other work that is the subject of the contract in a manner sufficient to provide the public with the information necessary to understand the nature of that research or other work and a statement that the intellectual property that is the subject of the contract will be conveyed by the third party to the university pursuant to the terms of the contract. (iv) The contract will become a public document that is subject to title 39, chapter 1, article 2 when the contract is executed. (c) Proprietary data or research material that is developed by persons employed by a university, if the disclosure of this data or material would be contrary to the best interests of this state. <p>Emails do not necessarily qualify as public records <i>Griffis v. Pinal County</i>, 156 P.3d 418 (Ariz. 2007).</p>
Access Rights	<ul style="list-style-type: none"> • Any person • Can get copies of records during office hours • If request, get list of records withheld and reason withheld • If custodian doesn’t have facilities for copying, requestor shall be granted access to the records to copy them, print them, or photograph them • Access is deemed denied absent prompt response to request

	<ul style="list-style-type: none"> • Requesting party can ask trial court to perform an in-camera inspection of govt-withheld docs generated or maintained on govt-owned computer system on grounds of docs being personal, to determine whether the docs fall w/in public records law [Griffis v. Pinal County, 215 Ariz. 1, 156 P.3d 418 (2007)] • Legal presumption favoring disclosure – burden on State to show interests in confidentiality, privacy, or best interests of the State outweigh public’s right of inspection under Public Records Law • Free searches for copies of public records to be used in claims against the U.S. • Unless State puts forward interest justifying nondisclosure, person seeking access need not demonstrate purpose access would serve. [A.H. Belo Corp. v. Mesa Police Dept. (App. Div.1 2002) 202 Ariz. 184, 42 P.3d 615, review denied.] • Availability of info in record by alternative means doesn’t justify withholding access
<p>Destruction of Public Records</p>	<ul style="list-style-type: none"> • "All records made or received by public officials or employees of this state or the counties and incorporated cities and towns of this state in the course of their public duties are the property of the state." A.R.S. § 41-151.15(A). • Each public body and officer is responsible for preserving, maintaining, and caring for the public records within their offices. A.R.S. § 39-121.01(C). • Each officer and public body is required by statute to carefully secure, protect, and preserve public records from deterioration, mutilation, loss, or destruction, unless the records are disposed of pursuant to A.R.S. §§ 41-151.15 and 151.19. • § 41-151.15 states that records shall not be destroyed or otherwise disposed of by any agency unless it is determined by the state library that the record has no further administrative, legal, fiscal, research or historical value. A person who destroys or otherwise disposes of records without the specific authority of the state library is in violation of section 38-421. • § 41-151.19 states that every public officer who has public records in the public officer's custody shall consult periodically with the state library and the state library shall determine whether the records in question are of legal, administrative, historical or other value. Those records determined to be of legal, administrative, historical or other value shall be preserved. Those records determined to be of no legal, administrative, historical or other value shall be disposed of by such method as the state library may specify. A report of records destruction that includes a list of all records disposed of shall be filed at least annually with the state library on a form prescribed by the state library.