



SENATE BILL 699: Protect Law Enforcement Officers Home Address/Other Information

2015-2016 General Assembly

Committee:

Introduced by:

Analysis of: S.L. 2015-225

Date:

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SUMMARY: *S.L. 2015-225 exempts from disclosure certain personal information of sworn law enforcement officers who are employees of a county or city.*

The act became effective October 1, 2015.

CURRENT LAW: Current law provides that personnel files of current and former local government employees are confidential and cannot be released, except for certain items of information which must be maintained as separate public records. Generally, the items that must be released as public records are: Name; Age; Date of original employment or appointment to the county service; Terms of any contract by which the employee is employed whether written or oral, past and current, if written; Current position; Title; Current salary; Date and amount of each increase or decrease in salary; Date and type of each promotion, demotion, transfer, suspension, separation or other change in position classification; Date and general description of the reasons for each promotion; Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken; The office to which the employee is currently assigned.

Additionally, even if the information is considered part of an employee's personnel file, the following need not be disclosed to an employee or to any other person:

- Testing or examination material used solely to determine individual qualifications for appointment, employment, or promotion, when disclosure would compromise the objectivity or the fairness of the testing or examination process.
- Investigative reports or other information concerning the investigation of possible criminal actions of an employee, until the investigation is completed and no criminal action taken, or until the criminal action is concluded.
- Information that might identify an undercover law enforcement officer or a law enforcement informer.
- Notes, preliminary drafts and internal communications concerning an employee.

Similar statutes govern the personnel records of: local boards of education, community colleges, area mental health authorities, State employees, public health authorities, counties, cities, and water and sewer authorities. Criminal penalties apply to willfully examining, copying or removing a confidential employee file.

The collection of social security numbers by state and local agencies is prohibited except in certain situations. Except for recorded documents and court records, social security numbers are to be segregated from other public record information, and the release of social security numbers to the general public is prohibited. Clerks of court and registers of deeds are not required to purge existing databases of identifying information, but are required to redact that information when specifically requested by the person whose identifying information is contained on a public record under the control

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of the clerk or register of deed. If an agency of the State, or a county or city experiences a security breach of personal information, the county or city must notify the affected persons. G.S. 132-1.10.

BILL ANALYSIS: S.L. 2015-225 (SB 699) adds a new subsection to statutes governing disclosure of employee personnel files for counties (G.S. 153A-98) and cities (G.S. 160A-168) that prohibits the disclosure of the following information regarding a sworn law enforcement officer:

1. Information that might identify the residence of a sworn law enforcement officer.
2. Emergency contact information.
3. Any of the following identifying information: social security or employer taxpayer identification numbers; drivers license, State identification card, or passport numbers; checking account numbers; savings account numbers; credit card numbers; debit card numbers; PIN codes; electronic identification numbers, electronic mail names or addresses, internet account numbers, or internet identification names; digital signatures; any other numbers or information that can be used to access a person's financial resources; biometric data; fingerprints; passwords; parent's legal surname prior to marriage.

This prohibition on disclosure does not apply to any of the following:

- Records of criminal investigations and 911 calls, as specified in G.S. 132-1.4.
- Records of the register of deeds and courts, as specified in G.S. 132-1.10.
- For the personal safety of the sworn law enforcement officer or any other residing in the same residence as the sworn law enforcement officer.

S.L. 2015-225 (SB 699) also provides that mobile telephone numbers issued by a local, county, or State government are not public record when that mobile telephone number is issued to any of the following:

- A sworn law enforcement officer or non-sworn employee of a public law enforcement agency.
- An employee of a fire department.
- Any employee whose duties include responding to an emergency.

EFFECTIVE DATE: October 1, 2015.