



SENATE BILL 355: Government Transparency Act of 2021.

2021-2022 General Assembly

Committee: Senate Rules and Operations of the Senate	Date: May 6, 2021
Introduced by: Sens. Sanderson, Rabon, Krawiec	Prepared by: Robert Ryan
Analysis of: Third Edition	Staff Attorney

OVERVIEW: *Senate Bill 355 would create a new requirement that government entities make a general description of certain personnel actions available to the public.*

CURRENT LAW AND BILL ANALYSIS:

G.S. 126-24 provides that the personnel files of state employees are confidential and may not be released except in certain limited circumstances to certain individuals or entities.

However, G.S. 126-23 provides a list of data that each state agency must maintain and make available to the public for inspection upon request. This employee data includes:

- Name and age.
- Terms of any contract.
- Current position, title, and salary.
- *Date and general description* of the reasons for each promotion.
- *Date and type* of each dismissal, suspension, or demotion for disciplinary reasons.

Section 1. Senate Bill 355 would create a new requirement that the State provide a *general description* for each demotion, dismissal, transfer, suspension, separation, or other change in position for each state employee.

Senate Bill 355 would also:

- Clarify that the bill does not authorize the release of confidential information protected by applicable privacy laws.
- Require that if the reason for the change in an employee's status is protected by law, the general description to be given must be: "description of action prohibited by applicable law."
- Require that the date and general description for the change in an employee's status cannot be released until the employee has exhausted all administrative appeals that the employee is entitled to pursue.
- Require that the date and general description for the change in an employee's status be released within 30 days after the employee has exhausted all administrative appeals that the employee is entitled to pursue.

Sections 2 – 7.5. There are parallel privacy and disclosure laws in the laws governing local boards of education (G.S. 115C-320(a)), community colleges (G.S. 115D-28(a)), local management entity/managed

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care organizations (G.S. 122C-158(b)), local governments (153A-98(b)), water and sewer authorities (G.S. 160A-168(b)), and public hospitals G.S. 131E-257.2(b). Senate Bill 355 makes conforming changes to these parallel laws.

EFFECTIVE DATE: This act becomes effective December 1, 2021.