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# Open Records— The Key to Good Government

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by Robert Conn and Bill Finger

*In North Carolina, the public has the right to see almost any government record because of a broadly worded "public records" law. Recent court decisions have helped define the parameters of this law.*

*Four problem areas continue to arise — an individual's right to privacy versus the public's right to know, when a report is completed and therefore is a public record, law enforcement officers' needs to keep investigations confidential versus the public's right to know, and how the statute will adjust to new computer technology. Nevertheless, a huge volume of information is available to the public, without conflict or controversy.*

**O**n Oct. 30, 1985, reporters for *The News and Observer* of Raleigh suspected they were onto something big. Police cars and state government officials were crowding around an industrial site near downtown Raleigh. No one was talking to reporters, but rumors were circulating that some kind of toxic spill was under investigation.

"We couldn't get anybody to explain what was going on," recalls Monte Basgall, then the paper's environmental reporter. "Our deadline was approaching, and we had no story. Finally, we realized that a search warrant is a public document."

*The News and Observer's* crime reporter rushed to the police station and got a copy of the warrant—as any person is entitled to do. "The warrant alleged that hazardous wastes had been spilled," explains Basgall. Not only did the search warrant get the police into the door at Ashland

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— Andrew A. Vanore Jr.  
Chief Deputy Attorney General

Chemical Company, it also gave the paper the opening it needed for what became one of the most important series of environmental stories of the year.

A good public records law ensures that reporters—and the general public—have clear access to important information. But it does far more. "Public access to public records provides the key to good government, a key that unlocks a storehouse of information, a key that upholds our democratic spirit," says attorney William McBlief.<sup>1</sup>

The North Carolina law (G.S. 132-1), at first glance, seems to provide that "key to good government." It defines a "public record" very broadly, covering everything from pieces of paper to computer disks to artifacts—"made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions." (See full statute on page 4.)

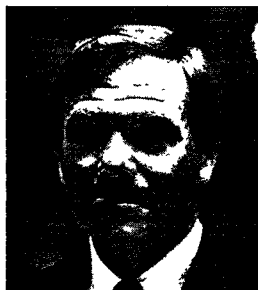
Just eight years ago, however, this very broad language caused considerable confusion. "Because the words and phrases used in G.S. 132-1 are not themselves defined in the statute, such a definition cannot be interpreted without referring to common law, to the pre-1935 judge-made law..." explained attorney Fred Harwell in a 1978 report by the N.C. Center for Public Policy Research.<sup>2</sup>

The report examined state and federal laws concerning public access to information, including the federal Freedom of Information Act and right-to-privacy issues.<sup>3</sup> Harwell called the N.C. statute "half a loaf at best in terms of providing access to state government information, and perhaps not much better than no loaf at all.

lishing much clearer parameters for how the law should apply to ambiguous situations. In *The News and Observer Publishing Co. v. Wake County Hospital System, Inc.*, the court held that the hospital system was a "public body." In *Advance Publications v. The City of Elizabeth City*, a letter received by the city manager from a consulting engineer was construed to be "a public record subject to disclosure." By defining a public body and a public record, these two decisions turned the corner of ambiguity for the state's open records law, explains Henry Underhill, attorney for the city of Charlotte.

"The '81 decisions, I think, really for the first time underscored what a lot of city attorneys believed to be the law," says Underhill. "The public records law, as interpreted by the courts, is extremely broad and covers virtually any record or file that a governmental body might have in its possession. What those cases indicated was unless the General Assembly has made some exception to it, then they are public records. A record is a public record."

N.C. Attorney General Lacy Thornburg says he agrees: "I think that's the intent of the statute. There would be no use to have the law if it weren't the intent that the content be revealed."



*"If it has been bound and copied, it is a document"*

— Hugh Stevens  
General Counsel  
N.C. Press Association

## N. C. Laws Affecting Public Records

**N.C.G.S. 132-1.** "Public record" or "public records" shall mean all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions. Agency of North Carolina government or its subdivisions shall mean and include every public office, public officer or official (State or local, elected or appointed), institution, board, commission, bureau, council, department, authority or other unit of government of the State or of any county, unit, special district or other political subdivision of government.

**N.C.G.S. 132-6.** Every person having custody of public records shall permit them to be inspected and examined at reasonable times and under his supervision by any person, and he shall furnish certified copies thereof on payment of fees as prescribed by law.

**N.C.G.S. 132-9.** Any person who is denied access to public records for purposes of inspection, examination or copying may apply to the appropriate division of the General Court of Justice for an order compelling disclosure, and the court shall have jurisdiction to issue such orders.

**N.C.G.S. 6-19.2.** In any civil action in which a party successfully compels the disclosure of public records pursuant to G.S. 132-9 or other appropriate provisions of the law, the court may, in its discretion, allow the prevailing party to recover reasonable attorney's fees to be taxed as court costs against the appropriate agency if:

1) The court finds that the agency acted without substantial justification in denying access to the public records; and

2) The court finds that there are no special circumstances that would make the award of attorney's fees unjust. The party shall petition for the attorney's fees within 30 days following final disposition of the case. The petition shall be supported by an affidavit setting forth the basis for the request.

Nothing in this section grants permission to bring an action against an agency otherwise immune from suit or gives a right to bring an action to a party who otherwise lacks standing to bring the action.

Any attorney's fees assessed against an agency under this section shall be charged against the operating expenses of the agency and shall not be reimbursed from any other source.

### **Creating Exemptions from the Law— How Far Should They Go?**

**T**he *General Assembly* has passed a few specific exceptions to the law. Communications between attorneys and public bodies they represent, for example, are not public records until three years after these communications.<sup>5</sup> The *N.C. Supreme Court* has also created exemptions, holding in 1984, for example, that records of the State Bureau of Investigation are excluded from the public records act and regulated instead by N.C.G.S. 114-15.<sup>6</sup> Finally, various *attorneys general* have

issued formal opinions that certain kinds of records are excluded from the statute.<sup>7</sup> For example, in 1978, Attorney General Rufus Edmisten issued an opinion that "investigative reports and memoranda concerning investigations of crimes are not public records. . . and are therefore not subject to public inspection."<sup>8</sup> These formal opinions are published and carry the force of law until challenged in court.

But the attorney general's office, in advising and counseling state officials (i.e., its clients) also issues informal opinions on a regular basis. Such an informal role can have a powerful effect in preventing the release of documents which some be-

lieve should be available to the public. In 1986, for example, East Carolina University investigated its football program concerning compliance with the rules of the National Collegiate Athletic Association. The investigation stemmed from the firing of ECU football coach Ed Emory. Thornburg and Chief Deputy Attorney General Andrew A. Vanore Jr. advised the ECU officials not to release to the public a sworn statement by Emory, made during the investigation while the investigation was still in progress. They claimed that the statement was part of an ongoing investigation and hence an "interim document," as Vanore puts it, and not covered by the public records law.

*The News and Observer* wrote a stinging editorial criticizing Thornburg's office for acting "contrary to the public's interest in failing to release that public record promptly." The Jan. 21, 1986 editorial went on to say, "[I]n keeping with its repeated practice of quashing public information at the slightest mention of an 'investigation,' Thornburg and Vanore bring no credit to the Attorney General's Office by defying the state's long commitment to open records."

During the Ashland Chemical spill investigation, officials from the Department of Human Resources (DHR) refused to release preliminary findings, including laboratory test results, for the same reason. They told reporters, including Monte Basgall of *The News and Observer*, that such information could not be made public until the investigation was completed, and referred repeated inquiries to the attorney general's office.

In both cases, the officials eventually released the documents, after the investigations were completed. But the information was lost to the public during the interim, including potential dangers to the public from the Ashland Chemical spill. Only a lawsuit could have forced the ECU and DHR officials to release the information sooner. Without a lawsuit, the informal opinion of the attorney general's office ruled the day. Or as Vanore asserts: "Until a report on an investigation is completed and filed, it is not a matter of public record."

## Is The Statute Working?

Under the state law, the most highly publicized cases often stem from newspapers trying to get information for their coverage of a story. What people don't hear much about, however, are the many types of records that are readily available to the public—without conflict or controversy. An enormous amount of information is available to the public, in county courthouses and municipal

buildings. Such information can be helpful to everyone from neighborhood groups to potential home buyers to private detectives (see sidebar on pp. 6-9).

Despite the large volume of information readily available under the state's public records act, four important issues have surfaced in recent years regarding how well the statute satisfies various conflicting needs: 1) an individual's right to privacy versus the public's right to know, 2) when is a report completed and therefore a public record?, 3) law enforcement officers' needs to keep investigations confidential versus the public's right to know, and 4) how will the statute adjust to new computer technology?

*An individual's right to privacy versus the public's right to know.* How much should the public be allowed to know about the private lives of government employees, people seeking government benefits, people who went to a hospital in an ambulance, nursing home patients, or welfare recipients? The answer to this question varies, often depending upon the circumstances.

The law specifies what information about a government employee can be released: name, age, and date of original employment; current position title, most recent promotion, demotion, transfer, suspension, or separation; office to which the employee is currently assigned; and salary, with dates of most recent increase or decrease. Releasing any other information is a misdemeanor, punishable by a fine up to \$500.<sup>9</sup> But the law does allow additional information to be released to the public if the city, county, or state officials determine in writing that release "is essential to maintaining public confidence in the administration of . . . services or to maintaining the level and quality of . . . service."<sup>10</sup> Such language establishes room for some subjective judgments, which can lead to differences of opinion regarding information that should be covered by the public records statute.

Usually, when people apply for government benefits of some kind, they have to tell the government something about themselves. The courts have held that those applications are public records, explains David Lawrence of the Institute of Government at the University of North Carolina at Chapel Hill. Public officials, however, often "tenaciously fight giving up that information," says Lawrence, because of the privacy issues involved. Such tenacious fighting reflects the strength and weakness of a broadly worded statute: the law can apply to nearly any situation but it can lead to an invasion of an individual's privacy if abused.

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Sometimes, situations arise where public and private information are contained within the same record. For example, information on an ambulance trip (called a "trip ticket") might contain private information on a patient's medical condition as well as public information, such as how fast the ambulance responded to the emergency.

What about the privacy of nursing home patients and welfare recipients? In both cases, county departments of social services have to juggle

public and private information. For example, after the Cleveland County Department of Social Services studied possible neglect of disabled adults at the Cleveland Care Center (a nursing home) in Shelby, *The Shelby Star* (the local newspaper) and WSOC-TV in nearby Charlotte sought a copy of the report. The Cleveland County Department of Social Services resisted. On Aug. 2, 1985, Superior Court Judge Peter W. Hairston ordered that the report be made public in accordance with the N.C.

## *Tour, continued*

### **Records on Property**

**W**hether you're in the real estate business or just looking for a place to live, a tremendous amount of information is available in public records. The three most important kinds of records are tax records, title/deed information, and building permits and inspections.

#### **Tax Records —**

**County Tax Office.** Here, you can find the amount of taxes levied on real property (buildings and land) and personal property (cars, boats, etc.). This is important if you are considering buying a piece of property or learning background information on an individual (public official, client, etc.). Some counties maintain an alphabetical listing by name of owner and a listing by address. If you know either name or address, finding the property number is quicker. Then you can find out the tax on the property. But property tax records are generally organized by *property number*, which you can get from official county property maps. The maps have broad sectors, subsectors, and individual tracts; hence a typical property number has three parts, e.g., 143-151-08. Map books are organized by the first number; you can find your tract from there, if you know the exact location of the tract (e.g., three tracts down from a specific intersection).

In Mecklenburg County, when you enter the eight-digit property number into one of several computer terminals available to the public, dozens of key facts about the property flash on the screen—number and date of deed, precise location of the property, name and address of the owner, appraised value of the property and improvements, whether taxes

were paid, and other facts about the property (acreage, current zoning, year it was built, square footage, etc.). In smaller counties without such full computerized information, you might have to look a little harder, but the property number is the key you need to unlock this storehouse of information.

Finally, the tax office will also have a master list of recent sales and appraisal cards on each house. From these, you can figure out room by room what is on the inside.

#### **Title/Deed Information —**

**Register of Deeds Office.** Using the book and page number of the deed (which you may have or you have just gotten from the tax record), you can find a lot of information in the deed book in the county courthouse. You may need such information if you plan to buy the piece of property. The deed books may be bound volumes or on microfilm (or both). The deed will show you the date the property was last sold, the previous owner, a precise description of the property, and the revenue tax stamps (which give you a good idea of the previous purchase price—revenue stamps are at the rate of \$1.00 per \$1,000 of purchase price). Since each deed will tell you the number of the preceding deed, you can walk back through the entire history of the house to the time when the property was vacant land. (Many other technical matters could be involved with the property; if you want to buy the property, you should consider a formal title examination.)

If you don't know the book and page number of the deed but do know the name of the current owner, you'll have a more cumbersome task using either the grantor (seller) or

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public record statute.<sup>11</sup> Before releasing the report, Judge Hairston excised the names of those who received public assistance and of those who registered complaints or furnished information for the investigation, along with some personal and medical information.

In 1975, in another significant case, *The Alamance [County] News* of Graham sought the names of welfare recipients from the Alamance County Department of Social Services (DSS).

The county DSS resisted, but the newspaper did get the names from the county's finance office—and then published the names. The N.C. Division of Social Services requested a ruling on the issue from the attorney general's office. On May 3, 1976, Attorney General Edmisten responded with a formal opinion.<sup>12</sup> It interpreted the N.C. social services statute, which said that the monthly public assistance recipient register must be available to the public but that "information contained

grantee (buyer) index. With the exact name of the current owner, you can find the property deed information through the grantee index, which is grouped by periods of years. Then you can follow the procedure explained above.

#### **Building Permits and Inspections —**

*Office Varies.* Depending on where a piece of property is located, you will find a building inspector's office in either a municipal or county building. This office will have a record of all building permits and inspections, including electrical, plumbing, heating and air conditioning, etc. These records should be available for every major remodeling job as well as for initial construction. Here you can find reports of violations of building codes, which can be very important regarding everything from rundown nursing homes to a non-residential-looking addition to your neighbor's house.

#### **Other Records**

A wealth of information is available from county and municipal records. A few of these records are included below.

#### **Corporate Records —**

*Register of Deeds Office.* Here you can locate an index to, and copies of, articles of incorporation of virtually every local company (including records of mergers, dissolutions, and suspensions of corporations), partnership agreements, and notaries public (past and present). The office can help you determine what has been pledged as collateral in a loan (but not the amount of the loan). (The N.C. Secretary of State's office also has the charter of every company and organization licensed to do business in North Carolina.) Such records can help supply important information on the

involvement of public officials with private ventures.

#### **General County Records —**

*County Courthouse or Office Building.* Public records include minutes of meetings of the boards of county commissioners, county ordinances, check ledgers showing who got checks from the county, general ledgers, and county budgets. You can ask for a line item budget. Some county records might be difficult to obtain, especially those from departments of social services (see main article, pp. 8-10).

#### **Municipal Records —**

*City Hall.* The documents most often requested are city council minutes and copies of city ordinances. A tape of a city council meeting is a public record as well.

#### **Death and Birth Certificates —**

*County Health Department.* You will need the approximate year and full name of the deceased for a death certificate. For a birth certificate, you'll need the approximate year of birth and full name of the child and/or the parents. You might need a birth certificate to travel abroad or for school purposes.

#### **Zoning Records —**

*Planning Departments.* To check the zoning of a tract and surrounding property, check the maps maintained by the planning department. This department (in counties and large cities) will also have records of zoning requests and master plans that may suggest future rezonings that could alter the residential character of your neighborhood. Such information is invaluable to neighborhood groups, the building industry, and others involved in how fast a community grows.

—Robert Conn

therein may not be used for any commercial or political purpose.”<sup>13</sup> This language “would preclude in our opinion, the publication of the names of public assistance recipients, their addresses, and the amounts of individual monthly grants by the media,” concluded Edmisten and then Assistant Attorney General William “Woody” Webb. “Neither a copy of the register [of welfare recipients] nor information derived therefrom may be published by the news media.”

**When is a report completed and therefore a public record?** This question remains one of the grayest areas of the law. In both the East Carolina University and Ashland Chemical investigations, the disputes over documents hinged on timing—when would a document become available to the press, and hence the public. “When investigations are completed—general non-criminal investigations—then those investigations become public records,” contends Vanore of the attorney general’s office. But others insist that documents must become public earlier, including a judge in another sports-related issue involving state universities.

In 1985, the University of North Carolina Board of Governors directed the president to issue a report about athletics within the university system. In 1986, C.D. Spangler Jr., the new president of the UNC system, directed the chancellors of the 16 universities in the system to provide him with information on their athletic programs. With the role of athletics at universities prominent in the news, *The News and Observer* wanted to see copies of the reports from the 16-member schools to President Spangler. Spangler resisted, saying this information was an interim document until he released it to his Board of Governors, and hence not available to the press until his Board of Governors had seen it first.

On Oct. 24, 1986, *The News and Observer* filed a complaint in Wake County Superior Court asking for the material under the public records law. On Nov. 6, 1986, Superior Court Judge D. Marsh McLelland concluded that the information under debate was a public record under N.C. law. President Spangler did release the material after he presented it to the UNC Board of Governors. He is also appealing the ruling to the N.C. Court of Appeals.

Despite such complex situations, Hugh Stevens, general counsel for the N.C. Press Association, says that some guideposts can determine when a document becomes a public record. “A document or a report results from an evolutionary process,” says Stevens. “It is presumptuous of us to want to see a document in the process

of being created.” Stevens looks for evidence that a document is essentially complete, even if in draft form. “If it has been bound and copied, it’s a document,” whether a city manager or other official has signed it or not, says Stevens.

**Law enforcement officers’ needs to keep investigations confidential versus the public’s right to know.** The N.C. Supreme Court, as mentioned earlier, has exempted investigations by the SBI from the open records law. But the status of other law enforcement investigations under the public records law is not always clear. Currently, some cities rely on a 1975 attorney general’s opinion as the basis for withholding police investigation files and supplemental reports from the public.<sup>14</sup>

Police investigative reports have to be confidential and outside the public records statute, says Vanore, because “we’ve got to balance the right of the public to know with good law enforcement.” At issue is permanent confidentiality, not a question of timing. “Oftentimes, a person will not give information to the police about alleged crimes unless their names are kept confidential,” continues Vanore. “After a case was over, if a complete report was then released, that would undermine that confidence that the public must have in the police. Attorney general opinions going back to 1972 have consistently expressed the same view. This indicates that the General Assembly has essentially agreed with that view,” asserts Vanore. “If it had not, [the legislators] could have changed the law or put something in the law to make it clearer.”

The SBI and police investigative files should be withheld because much of what goes into such investigative files is hearsay and because opening up these files would identify informants and thus dry up sources for law enforcement officials, adds Thornburg.

The issue is not always so clearcut, however. In Charlotte, for example, city attorney Underhill applies the attorney general’s opinion not only to police investigative reports but also to what are known as supplementary reports. Routine crime reports, which are open to the public, often contain very little information, with a note saying “see supplement.” Without access to the supplement, a citizen cannot find out what happened in a particular crime. Closed criminal investigation files can keep the public from knowing important information, such as a suspected series of murders.

“The problem comes in controlling what really is part and parcel of an investigation versus what someone just throws into an investigation

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Jack Belts

Wake County Register of Deeds Kenneth Wilkins demonstrates his office's new computerized records file, which includes information on deeds, ownership, a parcel's ownership history, and tax information.

file to keep it confidential," says Hugh Stevens. "There is a pretty professional attitude in most law enforcement in North Carolina. But there are always a few who see law enforcement as none of the people's business and throw everything into an investigation file. You can cover up everything from ineptitude to corruption," he continues. "No policy or law will solve that problem. Eternal vigilance is how you can deal with it. That is the responsibility of the press."

*How will the statute adjust to new computer technology?* An overriding concern spans many of the areas discussed above—access to computer records. Computer records are generally considered just as public as if the information were kept on paper, or "hard" copy. "Computers are just a more sophisticated method of record keeping, governed by the same rules," says Thornburg. "I don't see any distinction." But that doesn't mean there aren't problems.

David Lawrence of the Institute of Government raises one of the issues. "There's no question you have a right to a copy," says Lawrence, "if you are willing to pay."

The level of fees can be difficult for the supplier of the data as well as for the public. "The question of charging for access is a hotly debated issue," writes Pamela Akison in a *State Legislatures* magazine article focusing on computerized records.<sup>15</sup> "It is a question not so much of whether a legislature should charge some fee (as it does for many of its published documents) but how much it should charge."

Another technological issue is weighing ease of access against dangers of having computer rec-

ords altered. More and more government offices are setting up public terminals to allow easy access to some records but on a "read only" basis, so a person can't accidentally (or intentionally) alter the record while working at a terminal.

"There's a lot of tension on how to regulate access to computerized records," says Lawrence. "This question has not been sorted out by any legislature in any state. It will be the big issue in the next 10 years or so."

## Conclusion

Should the public records law be changed? Probably not, say attorneys in the field. David Lawrence of the Institute of Government notes that about six years ago—before the 1981 decisions interpreted the statute—a committee with representatives of the press, broadcasters, local government, and the state Division of Archives and History in the Department of Cultural Resources considered revising the statute. "Everyone agreed that the best thing to do was not to touch it," he explains. "Everyone was afraid what might happen if the legislature started to mess with it. They didn't want to lose what they had."<sup>16</sup>

The feeling seems even stronger today. "The press has a great reluctance to tamper with a law that is as broadly worded as ours is," says Hugh Stevens. "The law is so broad, so clear, so concise—the burden lies with someone trying to get out from under it."

This sentiment seems to hold for those government officials that have to comply with the law most often. "I don't think municipal officers have any problems with [the law]," says Laura Krani-



feld, assistant general counsel for the N.C. League of Municipalities.

What if North Carolina tried to alter its law? "It might look like a Christmas tree when all the exceptions got attached to it," says Jonathan Buchan, *The Charlotte Observer's* attorney. When Illinois went from a statute like North Carolina's to a Freedom of Information Act, "problems went up several hundred percent," says Elaine English, director of the Freedom of Information Service Center in Washington. Information that once was speedily released now is routinely delayed.

But does the law have any teeth? There is no penalty in G.S. 132-6, which requires people who watch over public records to make them available. The only remedy found for violations of the public records law is G.S. 132-9, which allows a citizen to apply for a court order compelling disclosure.

In 1983, the legislature partially addressed this concern, but many people don't know about it, because the new law was not codified with the public records law (G.S. Chapter 132). The remedy was added instead to G.S. 6-19.2, within a section of the statutes dealing with civil court actions. This remedy says that if the court agrees with a citizen's claim that a record is public, the agency that withheld the record *may* be compelled to pay the attorney's fees of the citizen. The law goes on to mandate that any such fees have to be paid from the agency's operating budget and "shall not be reimbursed from any other source."

Another issue concerning better implementation of the current law is how to get information available to the public during litigation. When a case goes to court, the material under question can remain outside of public view for years. "There is the need for some type of summary procedure, so newspapers can get it more quickly," says William Lassiter, for many years counsel for the N.C. Press Association.

The real key to public records is educating public officials, says Hugh Stevens. "Too many public officials at all levels don't really approach questions about public documents in the right spirit. They react as if what is in the file is a personal document."

A broadly worded statute seems to provide North Carolinians with the best access to information about how their government works. Even with it, however, questions will continue to arise. Complying with the *spirit* of the law, then, becomes critical. "If public officials have the day-in, day-out knowledge that they are subject to being looked at by anybody who walks in off the street, there is little risk that government will be corrupt or that the public will lack confidence in

the honesty of its elected officials," says Jonathan Buchan.

Indeed, perhaps no other single law provides as valuable a "key to good government" as the state's guarantee of public access to government records. □□

## FOOTNOTES

<sup>1</sup>William McBlief, "Public Access to Public Records in North Carolina: The Key to Good Government," 60 N.C.L. Rev. 853 (1982).

<sup>2</sup>Fred Harwell, *The Right to Be Able to Know: Public Access to Public Information* (1978), a report by the N.C. Center for Public Policy Research, pp. 31-32; quote in the next paragraph, p. 33.

<sup>3</sup>For more on the Freedom of Information Act, see "How to Use the Federal FOI Act," FOI Service Center (Washington), 1985 (available for \$3 from 800 18th St. N.W., Suite 300, Washington, D.C. 20006); *The Reporter's Handbook*, edited by John Ullman and Steve Honeyman, St. Martin's Press (New York), 1983; and for direct assistance, call the FOI Hotline, 1-800-336-4243.

<sup>4</sup>*The News and Observer Publishing Co. v. Wake County Hospital System, Inc.*, 55 N.C. App. 1, 284 S.E.2d 542 (1981) *pet. for discret. rev. denied*, 305 N.C. 302, 291 S.E.2d 151 (1982); *app. dismissed, cert. denied*, 459 U.S. 803, 103 S.Ct. 26, 74 L.Ed.2d 42 (1982); 27 A.L.R. 4th 731; and *Advance Publications v. The City of Elizabeth City*, 53 N.C. App. 504, 281 S.E.2d 69-71 (1981).

<sup>5</sup>N.C.G.S. 132-1.1. The N.C. Press Association and the N.C. Association of Broadcasters publish pamphlets on public records, public meetings, and other so-called "sunshine" laws. They are currently preparing an updated version of this information, which contains statutory exceptions to the open records law. For a copy of the pamphlet, contact the N.C. Press Association, 5 W. Hargett St., Raleigh, N.C. 27602, (919) 821-1435, or the N.C. Association of Broadcasters, P.O. Box 627, Raleigh, N.C. 27602, (919) 821-7300.

<sup>6</sup>*The News and Observer Publishing Co. v. State ex rel. Starling*, 312 N.C. 276, 322 S.E.2d 133 (1984). The second paragraph of N.C.G.S. 114-15 reads, in part: "All records and evidence collected and compiled by the Director of the Bureau and his assistants shall not be considered public records within the meaning of G.S. 132-1 . . ."

<sup>7</sup>For a summary of these opinions, and of major court decisions regarding public records, see the notes in the statute books that follow N.C.G.S. 132-1.

<sup>8</sup>48 N.C. Attorney General 66 (1978). Formal attorney general opinions are published by the attorney general's office (\$5.25 per volume); also formal opinions affecting the Administrative Procedure Act (N.C.G.S. Chapter 150B) are published in *The North Carolina Register*. Informal opinions, made through correspondence, memoranda, and other means, are not published but can be examined in the attorney general's office — if you know what to ask for.

<sup>9</sup>For city employee records, see G.S. 160A-168(b), (e), and (f); for county employees, see G.S. 153A-98(b), (e), and (f); for state employees, see G.S. 126-23 and 126-27.

<sup>10</sup>G.S. 160A-168(c)(7) and 153A-98(c)(7); regarding state employees, see G.S. 126-24, final paragraph.

<sup>11</sup>*Carolina Broadcasting Co. v. Smith*, Superior Court, Cleveland County, 85 CVS 722.

<sup>12</sup>45 N.C. Attorney General 273 (1976), quotes later in the paragraph from p. 275 and p. 274, respectively.

<sup>13</sup>N.C.G.S. 108-45(b), now codified as 108A-80(b).

<sup>14</sup>44 N.C. Attorney General 340 (1975).

<sup>15</sup>Pamela Akison, "State Records: Are They Up for Grabs?" *State Legislatures* magazine, Conference on State Legislatures, (Denver, Col.), August 1986, p. 29.

<sup>16</sup>For a current overview of the law, see David M. Lawrence and Joseph D. Johnson, "Interpreting North Carolina's Public Records Law," *Local Government Law Bulletin* No. 27, Institute of Government, University of North Carolina at Chapel Hill, April 1987.