Understanding The

Wyoming Public Records Act



2024 ARMA Wyoming Spring Seminar

Public Record Act Basics



Wyoming Statute §16-4-201 – 16-4-205

Wyo. Stat. § 16-4-201 through 16-4-205 lays out what is expected of governmental entities, as well as, political subdivisions of governmental entities. This includes state agencies, counties, cities, incorporated or unincorporated towns, school districts, and special districts around the state.

What is a public record?

Any information in a physical form created, accepted, or obtained in furtherance of official function and transaction of public business which is not privileged or confidential by law.

Written communication or other information, whether in paper, electronic or other physical form received or used to conduct public business.

Custodian vs. DPRP

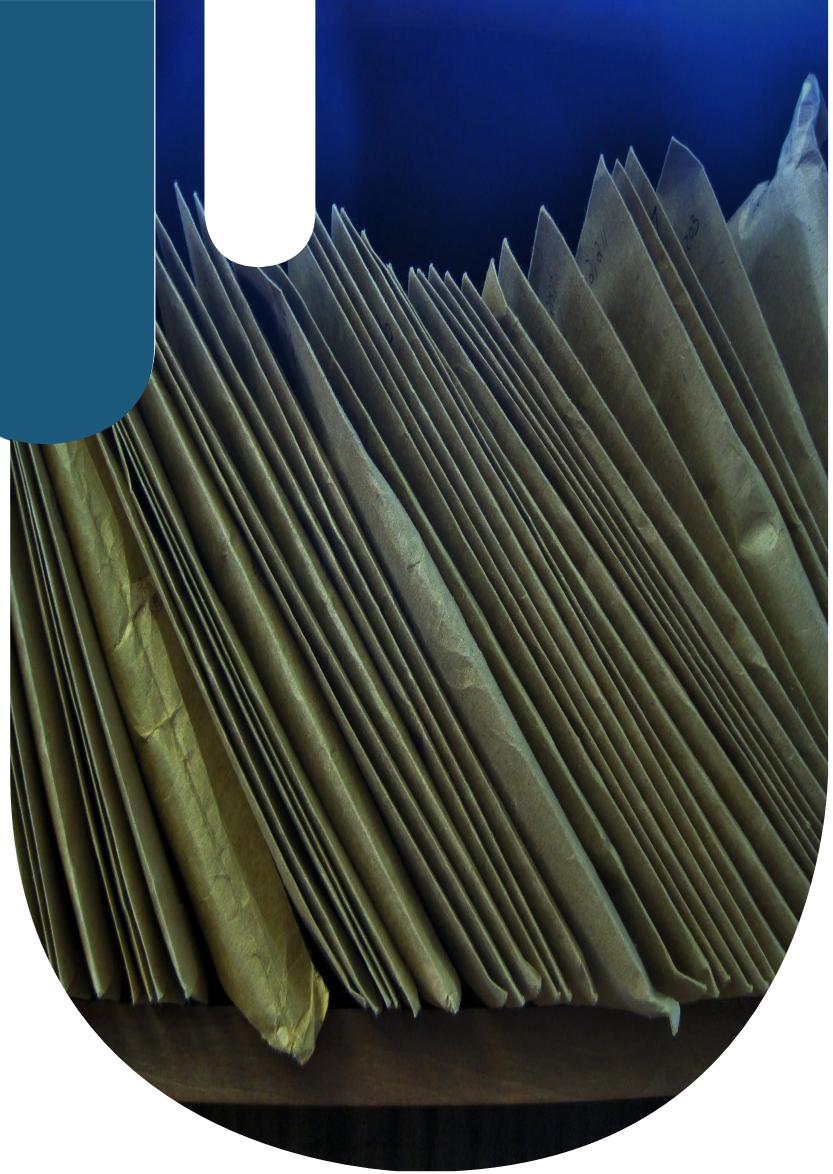
Custodian

(i)**"Custodian"** means the official custodian or any authorized person having personal custody and control of the public records in question.

(ii) **"Official custodian"** means any officer or employee of a governmental entity, who is responsible for the maintenance, care and keeping of public records, regardless of whether the records are in his actual personal custody and control.

Designated Public Records Person

(xii) **"Designated public records person"** means the person designated as required by W.S. 16-4-202(e) or that person's designee.



Custodian's Responsibilities

1. Must designate a public records person and submit their contact info to A&I.
2. Provide access to public records at reasonable times, during business hours.
3. You may make rules and regulations regarding the inspection of records.
4. Provide alternatives to electronic records, when requested, or vice versa.
5. Not required to compile or extract data, or create a new document.

DPRP Responsibilities



1. Accept application's (requests) for public records. (Has the right to deem if a verbal request can be considered an application).
2. If your entity is not the Custodian of the public records, you have seven (7) days from the date you acknowledged the request to tell the applicant they are unavailable, provide correct custodian if known.
3. Must notify applicant if records are not immediately available within seven (7) days.
4. If a public record is readily available, it shall be released immediately to the applicant so long as the release does not impair or impede the governmental entity's ability to discharge its other duties.
5. All public records shall be released not later than thirty (30) **calendar** days from the date of acknowledged receipt of the request unless good cause exists preventing release.
6. Best practice; When in doubt about releasing documents or redactions, consult your legal counsel. They can assist you in the release of documentation, or reasoning for denial. If denied, provide a reason and statute for the denial.

Exemptions

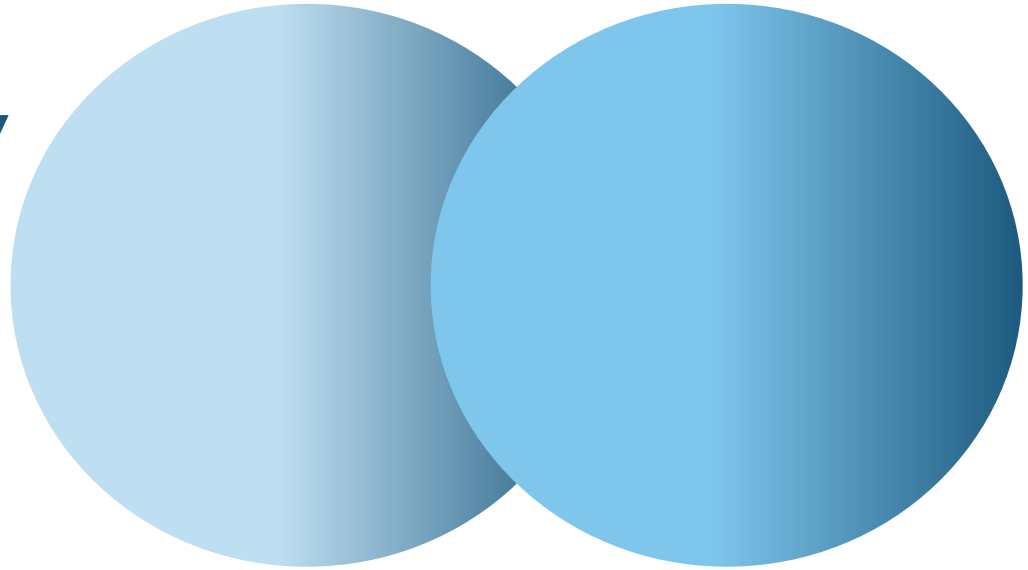
3 Straight Forward General exemptions

- Inspection would be contrary to state statute.
- Inspection would be contrary to federal statute or regulation (i.e. HIPPA, SS#s).
- Inspection is prohibited by court order.

1 catch-all

- Inspection or disclosure would do substantial injury to the public interest.

Mandatory



Discretionary

Best Practices



Policies and Procedures

- Document Retention Policy
- Fee Schedule
- Private Devices

Exemptions

- Understand Mandatory and Discretionary exemptions applicable to your organization.

DPRP

- Is your DPRP listed with A&I?

Violations

- Any person who knowingly or intentionally violates the provisions of this act is liable for a penalty not to exceed seven hundred fifty dollars ($750.00). The penalty may be recovered in a civil action and damages may be assessed by the court.

The Ombudsman's Role

§ 16-4-203 (f)(ii) File a complaint with the ombudsman who may:
(A) Mediate disputes between the governmental entity and the person;
(B) Prescribe timelines for release of the records;
(C) Waive any fees charged by the governmental entity.

The Ombudsman Can…

- Mediate disputes between a governmental entity and an applicant for a public record;
- Provide uniform interpretation and training on the ombudsman's role and recommendations to governmental entities and the general public;
- Prescribe timelines for release of the records;
- Waive any fees charged by the governmental entity.

The Ombudsman Can't…

- Give legal advice;
- The Ombudsman has no authority to issue binding solutions, I can only offer mitigation between parties and suggest solutions;
- Order an entity to release documents;
- Mediate with private entities.

Complaint Process

You'll receive an acknowledgment of your complaint. Initial questions may be asked or documents requested.

Both parties will communicate through the Ombudsman to discuss what they are willing and not willing to do. Mediation may also include covering best practices.

The Ombudsman serves as a mediator. There is no official decision made by the Ombudsman and, therefore, no ability to file an appeal from the outcome of the mediation process. However, you may file a case with the district court if you are unhappy with the outcome.



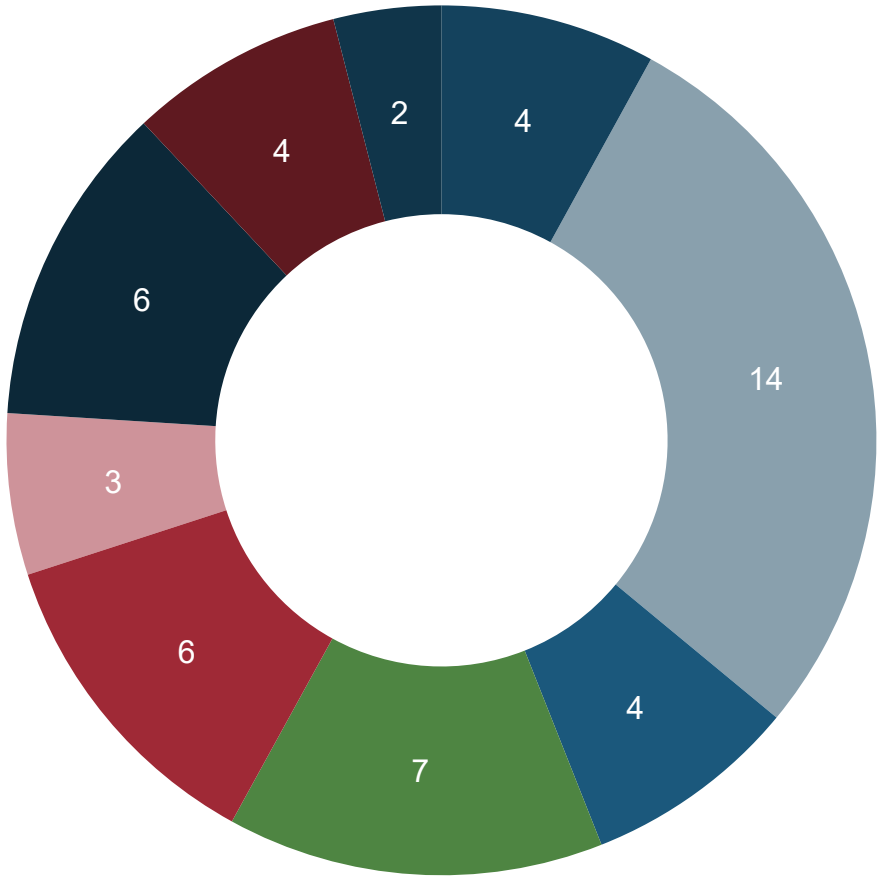
Are there barriers to releasing records? Barriers could include:
(a) release would be contrary to any state statute;
(b) the request is outside the Ombudsman’s purview;
(c) incorrect custodian, etc.

An interpretation letter will be presented to both parties that discusses the Ombudsman’s findings.

Complaint Trends

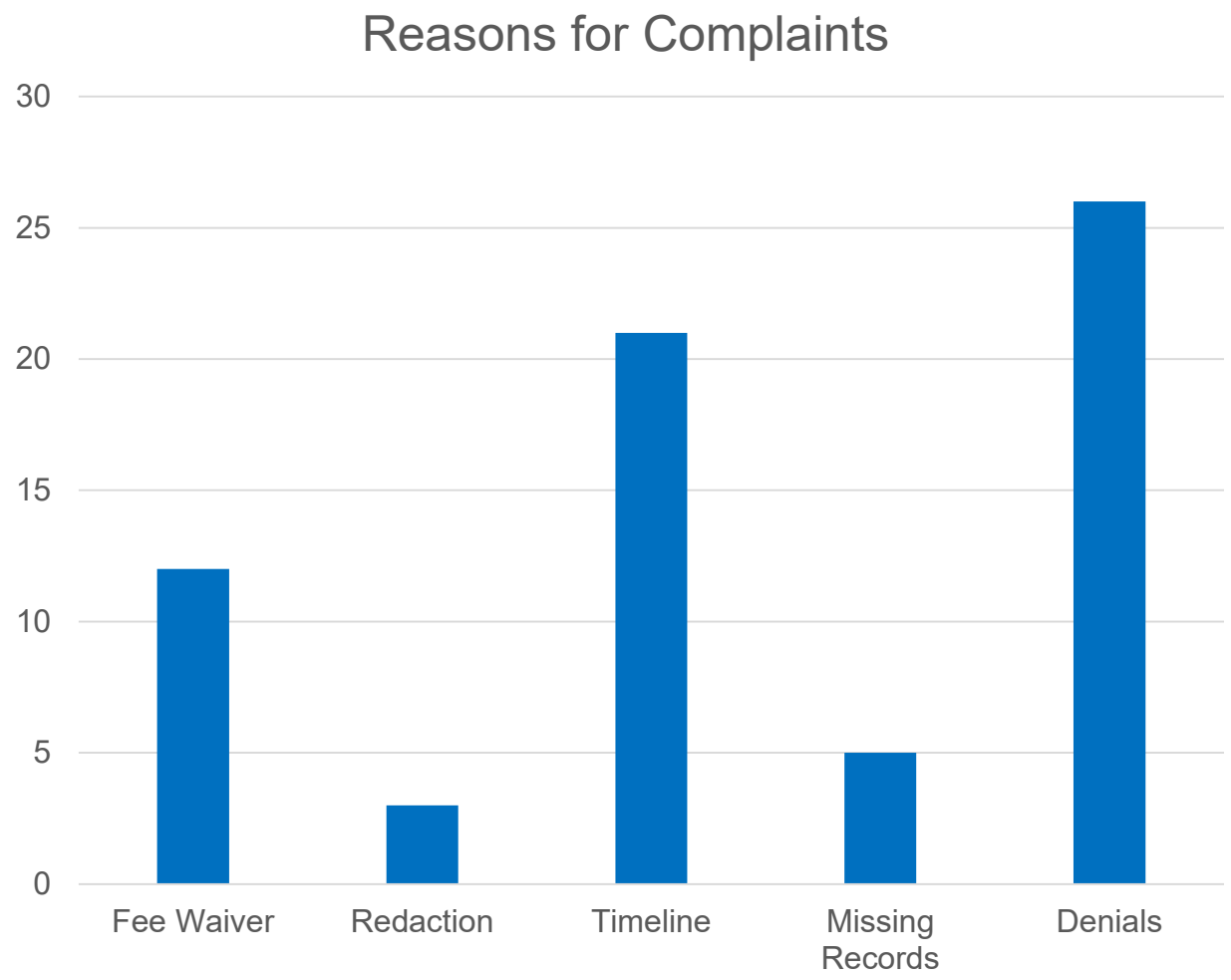
July 2023 – May 1, 2024

Number of Entities with Complaints

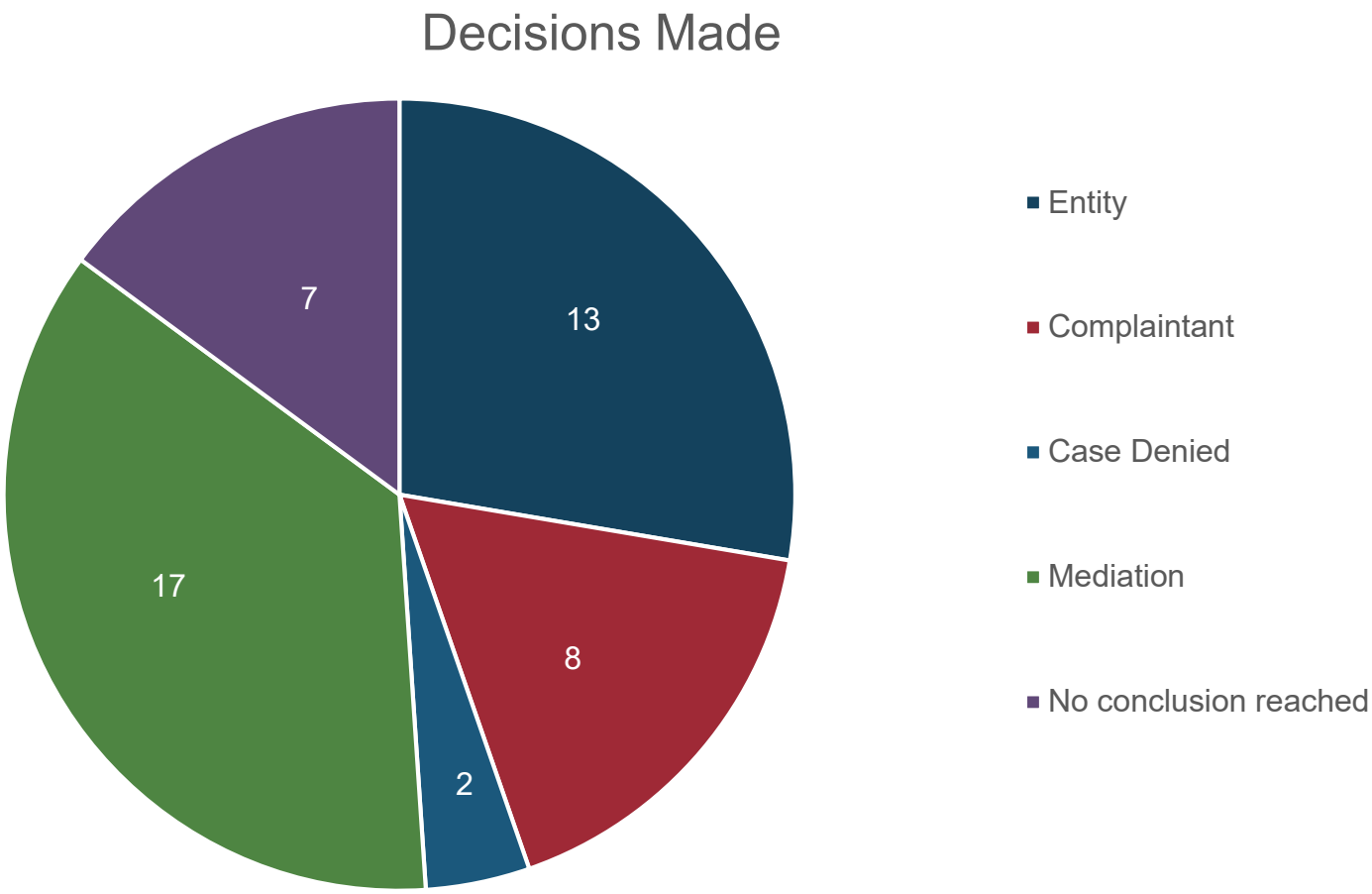


- School District
- Municipality
- County
- State Agency
- Police/Sheriff/Courts
- WDOC
- Special District
- College/UW
- Other

Trends Continued



Trends Continued



Resources

Wyoming A&I

https://ai.wyo.gov/about us/transparency/publicrecords

WY Press Association

https://www.wyopress.org/public_information/recent_court_cases.html

WY Statutes

https://wyoleg.gov/NXT/gateway.dll?f=templates&fn=default.htm

Ombudsman

https://governor.wyo.gov/contact/publicrecords-ombudsman

QUESTIONS

Contact me:

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