Wyoming Public Records Act

Taken from the Wyoming Public Records Act, Wyoming § 16-4-201 et. seq.

The purpose of this statute is to allow for access of public documents and records. According to the statute, “All public records shall be open for inspection by any person at reasonable times, except as provided in this act or as otherwise provided by law, but the official custodian of any public records may make rules and regulations with reference to the inspection of the records as is reasonably necessary for the protection of the records and the prevention of unnecessary interference with the regular discharge of the duties of the custodian or his office.

What are considered public records?
The following are the documents considered public records:
- Papers, correspondence, forms, records
- Books, photographs, Photostat
- Film, microfilm
- Vouchers, receipts, bonds
- Sound records
- Maps
- Other documents made by the State of Wyoming and any counties, municipalities, political subdivisions and state agencies.

When a public record is requested
You must notify the requesting applicant if:
- Records are not in district custody or control
- Records are in active use or storage and not available when requested
- Records exist in primarily an electronic format
  - Reasonable costs can be charged for reproduction of records
  - Alternative formats should be made available when practical and possible

Electronic records
The custodian is not required to compile data, extract data or create a new document if doing so would impair the agency’s ability to discharge it’s duties. The custodian is not required to provide the record if doing so would jeopardize or compromise the integrity and security of the record.

When can access to public records be denied?
Access to public records may be denied in the following situations
- Inspection would be contrary to any state statute, federal statute or regulation
- Inspection is prohibited by the rules of any court
- The records are associated with law enforcement agencies, county attorney, attorney general or state auditor investigation or prosecution
- The records are test questions, scoring keys or other exam data
- The records requested are specific details of bona fide research projects being conducted by a state institution
The records requested are interagency or intragency memoranda or letters which would not be available by law to a private party in litigation with the agency.

Contents of real estate appraisals are not considered public record until the title is passed to the agency.

The records requested are documents that would jeopardize the security of state buildings, facilitate the planning of a terrorist attack or endanger the life or physical safety of an individual.

What public records are not for public inspection?
The following documents are not considered public records open for public inspection. Districts may deny access to these documents.

- Medical, psychological and sociological data on individual persons
- Personnel files (except to employee supervisors) are exempt. However, employment contracts, working agreements or other documents setting forth the terms and conditions of employment are available for public inspection
- Letters of reference
- Trade secrets, privileged information and confidential commercial, financial, geological or geophysical data furnished by or obtained from any person
- Records or information compiled solely for purposes of investigating violations of, and enforcing personnel rules or policies which would invade personnel privacy
- Other documents as provided for in Wyoming § 16-4-203.

Other provisions
Persons denied inspection can request a written statement of the grounds for denial. The statement issued shall cite the law or regulation under which access is denied. Official custodians can apply to court for a permit to restrict disclosure based on substantial injury to public interest.

If the custodian doesn’t have the facilities for making copies, printouts, etc. of the record, the applicant shall be granted access to the records for the purpose of making copies, etc.

Any fees or charges shall first be authorized by duly enacted or adopted statute, rule, resolution ordinance, executive order or like authority.

Any person who willfully and knowingly violates the provisions of this act is guilty of a misdemeanor and may be subject to fines up to $750.

Filing Information with NRCS
Some districts have chosen to file information with NRCS files. This practice does not guarantee the confidentiality of the information.

Public Information Release Policy and Attorney General’s Opinions Concerning Conservation Districts
WACD strongly recommends each district develop policy with regard to data ownership and release of public information.
WACD and WDA have several Wyoming Attorney General opinions regarding public access to information and data. If you would like complete copies of these opinions, please contact WACD at (307) 632-5716 or WDA at (307) 777-7323.

**AG Opinion dated June 14, 1999**
Summary: Water quality data collected by conservation districts is generally considered public record and subject to the public records act. Leaving such information with the landowner does not shield it from public record.

**AG Opinion dated August 17, 2001**
Summary: A policy created by a local conservation district was reviewed by the Attorney General’s office. The office held the following, with respect to the district’s water quality data:

- Attorney General reiterated opinion from June 14, 1999 opinion that “Water quality information and data collected with public funds should be available to the public as a public record.”
- A District cannot make rules and regulations exceeding the scope of the authority delegated by the legislature. For example, the Public Records Act does not provide “discretion” to the custodians of public records regarding the right of inspection.
- Districts may not withhold information pending a Quality Assurance/Quality Control evaluation. There is no provision for this in the Public Records Act.
- Districts may not delay providing requested public information in order to notify private landowners that the information has been requested. There is no provision for this in the Public Records Act.

**AG Opinion dated May 12, 2003**
Bid proposals, such as solicited bid proposals for a water quality consultant, are “public records.” As such, they must be provided to those members of the public who so request. However, the Conservation District may withhold letters of reference, trade secrets and confidential commercial or financial data submitted as part of a bid package.