



## State of North Carolina

Department of Justice  
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RALEIGH  
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HAEL F. EASLEY  
TORNEY GENERAL

September 15, 1993

Mr. R. Samuel Hunt, III  
Secretary of Transportation  
North Carolina Department of State Transportation  
Highway Building  
1 S. Wilmington Street  
P. O. Box 25201  
Raleigh, NC 27611

### Re: Open Government and Public Records

Dear Sam:

Questions concerning public records are directed regularly to my staff. They reflect concerns by State and local agencies about what kinds of information are exempt from disclosure and what fees may be charged for copying.

I have a personal and professional commitment to the principle that government should be as open as possible. This is a right of the public that I feel I am duty bound to protect. Public ownership of government records should be manifested in ready access to any records not privileged or protected. For this reason, I have established a "Sunshine Office" in the new Citizens' Rights Division of the Department of Justice to help facilitate open access to public records and government activities. Senior Deputy Attorney General Wanda Bryant heads this Division, and she is available in addition to the member of my staff who normally assists you.

I am attaching an overview of the Public Record Act and other materials to assist those on your staff who regularly field requests for public information. The Act is broad in its sweep and affirmative in its mandate that government records are to be available to the public without undue delay or expense. To determine whether a particular situation qualifies for an exception from disclosure, my office must be guided by the legislative policy favoring public accessibility. However, the legislature has provided protection for certain types of government records. I hope that the materials enclosed will assist your staff in applying the law to particular public records questions.

Rapid advances in communications technology are prompting new inquiries about the scope and application of the Public Records Act. As more state government information is transmitted and stored electronically, novel public records questions will arise. I encourage you

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and your staff to contact my office to assist you in addressing any questions concerning disclosure, fees or access.

Together, with a strong commitment to the public interest, I am certain we can develop a fair and balanced approach to public records requests.

Lastly, let me remind you that there are a number of proposed changes in the open meetings and public records laws now pending in the General Assembly. It is imperative that we work together to see that every legitimate interest is addressed.

I hope the outline enclosed is helpful to you, and ask that you distribute it in your department as you deem appropriate. As always, I look forward to working with you.

With kindest regards, I remain

Very truly yours,

A handwritten signature in black ink that reads "Mike". The signature is written in a cursive, flowing style.

Michael F. Easley

MFE:js

Attachments

cc: Honorable James B. Hunt, Jr.