

# Temporary Custodian Law

## Speaker:

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Early rules



Statistics detour



Case law



2013 legislative changes



SB 944 requirements

## In the Beginning...

Presumption was that the governmental body (GB) was solely responsible for maintaining government records.



Early Attorney General (AG) decisions focused on the GB's role in maintaining the requested records.

Open Records  
Decision No.  
77 (1975)

- Faculty member requested notes created by members of university's grievance committee
- University argued notes:
  - Not shared with others
  - Not a requirement of the committee or university
  - Not maintained by the university and
  - Served solely as a memory reminder for the creator of the notes

## Open Records Decision No. 77 (1975)

### Ruling –

- Notes outside the scope of TPIA
- Not “information collected, assembled, or maintained by governmental bodies pursuant to law or ordinance or in connection with the transaction of official business”

### Additional AG Opinions

#### Open Records Decision No. 116 (1975)

- portions of desk calendar kept by governor’s aide comprising notes of private activities and aide’s notes made solely for his own informational purposes **not** public information

#### Open Records Decision No. 145 (1976)

- handwritten notes on university president’s calendar not public information

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