

SENATE FILE NO. SF0020

Public records-personnel files.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to public records; clarifying the right of  
2 inspection for personnel files; providing definitions;  
3 making conforming amendments; and providing for an  
4 effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8       **Section 1.** W.S. 16-4-201(a) by creating new  
9 paragraphs (xv) through (xvii) and 16-4-203(b)(vii) and  
10 (d)(iii) are amended to read:

11

12       **16-4-201. Definitions; short title; designation of**  
13 **ombudsman.**

14

15       (a) As used in this act:

16

1           (xv) "Elements of performance" means any  
2 information that bears on the public duties of a specified  
3 public employee;

4  
5           (xvi) "Institution of higher education" means  
6 the University of Wyoming and any community college in this  
7 state;

8  
9           (xvii) "Specified public employee" means any of  
10 the following former and current employees of governmental  
11 entities:

12  
13           (A) The attorney general and the director  
14 of any department of the executive branch appointed by the  
15 governor under W.S. 9-2-1706, or the director of any  
16 legislative agency;

17  
18           (B) The president of any institution of  
19 higher education;

20  
21           (C) The chief executive officer or director  
22 of any separate operating agency under W.S. 9-2-1704(d);

23

1                   (D) Commissioners of the public service  
2 commission and members of the state board of equalization;

3  
4                   (E) Managers of municipalities employed  
5 under W.S. 15-4-202.

6  
7           **16-4-203. Right of inspection; grounds for denial;**  
8 **access of news media; order permitting or restricting**  
9 **disclosure; exceptions.**

10  
11           (b) The custodian may deny the right of inspection of  
12 the following records, unless otherwise provided by law, on  
13 the ground that disclosure to the applicant would be  
14 contrary to the public interest:

15  
16           (vii) An application for the position of  
17 president of an institution of higher education, letters of  
18 recommendation or references concerning the applicant and  
19 records or information relating to the process of searching  
20 for and selecting the president of an institution of higher  
21 education, if the records or information could be used to  
22 identify a candidate for the position. ~~As used in this~~  
23 ~~paragraph "institution of higher education" means the~~

1 ~~University of Wyoming and any community college in this~~  
2 ~~state;~~ This paragraph shall not apply to current presidents  
3 of institutions of higher education;  
4

5 (d) The custodian shall deny the right of inspection  
6 of the following records, unless otherwise provided by law:

7  
8 (iii) Personnel files except ~~those as otherwise~~  
9 provided by this paragraph. For all employees of  
10 governmental entities, personnel files shall be available  
11 to the duly elected and appointed officials who supervise  
12 the work of the person in interest. Applications,  
13 performance ratings and scholastic achievement data for all  
14 employees of a governmental entity shall be available ~~only~~  
15 to the person in interest and to the duly elected and  
16 appointed officials who supervise his work. Employment  
17 contracts, working agreements or other documents setting  
18 forth the terms and conditions of employment of public  
19 officials and employees of a governmental entity are not  
20 considered part of a personnel file and shall be available  
21 for public inspection. For all employees of a governmental  
22 entity, personal information that would constitute an  
23 unwarranted invasion of personal privacy shall not be

1 available for inspection. Applications, performance ratings  
2 and elements of performance for specified public employees  
3 defined in W.S. 16-4-201(a)(xvii) shall be available for  
4 public inspection. Subject to the provisions of this act,  
5 documents placed within a personnel file are not  
6 automatically exempt from inspection under this paragraph;

7

8 **Section 2.** This act is effective July 1, 2021.

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(END)