Jan,

Sorry if I got too confrontational the other day. I hope I explained that I don’t really want access to the records. I was just trying to understand the underlying laws governing North Dakota’s open records.

The Attorney General, Wayne Stenehjem, has an excellent website that answered all my questions. Some of the best references were:

[A Citizen’s Guide to North Dakota’s OPEN MEETINGS AND OPEN RECORDS LAWS](http://www.ag.state.nd.us/Brochures/FactSheet/OR&MeetingsCitizens.pdf)

[A Public Official’s Guide to North Dakota’s OPEN MEETINGS AND OPEN RECORDS LAWS](http://www.ag.state.nd.us/Brochures/FactSheet/OR&MeetingsPublicOfficials.pdf)

[North Dakota Open Records and Meeting Laws](http://www.ag.state.nd.us/Brochures/ORandOMBrochure-citizen-2005.pdf)

The five items of information I was particularly interested in were:

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You have a right to open records, regardless of your identity or purpose, however, your request must reasonably identify existing records.

The entity **cannot**:

* Ask why you want the records.
* Ask for identification.
* Require the request be made in person—or in writing.

The open records law only entitles you to review and receive a copy of open public records. It does **not require a public entity to respond to your questions**, or to create a record that does not exist.

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Access to records is generally free. For copies of records on 8½ x 11” or 8 ½ x 14” paper, the entity can charge **up to** 25¢ per page. For any other kind of copy (**including photos, maps, computer records,** etc.) the entity can charge the **actual cost of making the copy, including labor, materials and equipment**. The entity must inform you if **other statutes authorize a different fee**.

Can a public entity deny access to an entire document because part of it is exempt or confidential?

**No.** A public entity can only deny access to the items of recorded information for which there is a specific statute closing that information to the public. The remaining information must be open to the public.

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If a public entity denies a request for records, the entity must tell you what **specific federal or state law** makes the requested record confidential or closed to the public. If you ask for it, the entity must put the reason for the **denial in writing**.

You can ask the Attorney General to issue an advisory opinion regarding an alleged violation of the open records and meetings laws. You have only 90 days after an alleged violation of the open meetings law and 30 days after an alleged violation of the open records laws to request an opinion.

There is no charge for the opinion, which will be issued to the public entity. You will receive a copy of the opinion.

If the Attorney General finds that there was a violation, the public entity will have seven days to take corrective action.

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These guides were very clear and well written. It’s completely up to you, but it seems like if you had copies of these available to the public that it would eliminate any misunderstandings (with people like me.)

I apologize again if my behavior was rude or unprofessional. I’m copying other individuals that I’ve been asking similar questions to.

Ron