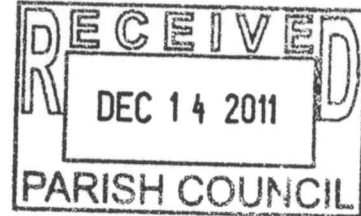




JAMES D. "BUDDY" CALDWELL  
ATTORNEY GENERAL

State of Louisiana  
DEPARTMENT OF JUSTICE  
P.O. BOX 94005  
BATON ROUGE  
70804-9005



DEC 12 2011  
OPINION 11-0236

90 – C –PUBLIC RECORDS

La. R.S. 44:1 et seq.  
La. R.S. 44:1(A)(2)(a)

La. Const. art. XII, §3

Ms. Barbara Jacob-Tucker  
Secretary, St. Charles Parish Council  
St. Charles Parish  
Office of the Council  
P.O. Box 302  
Hahnville, LA 70057

In general, sign-in sheets created at Town Hall Meetings are not "public records" as defined by the Public Records Act when there is no indication that the information on the sign-in sheet is gathered by a council member in the performance of his or her official duties.

Dear Ms. Jacob-Tucker:

Our office received your request for an opinion concerning whether sign-in sheets from a Town Hall Meeting are public records subject to production under Louisiana's Public Records Act. Your letter indicates that sign-in sheets may be used by council members to update attendees of any future development of matters discussed at such meetings. Additionally, you note that the sign-in sheets may contain private contact information of attendees.

The right of access to public information is guaranteed by La.Const. art. XII, § 3, which provides, "[n]o person shall be denied the right to observe the deliberations of public bodies and examine public documents, except in cases established by law." The Public Records Act, which can be found at La. R.S. 44:1 *et seq.*, was enacted by the Louisiana Legislature to protect and define the constitutional right of access to public documents. The Louisiana Supreme Court has instructed liberal construction of the Public Records Act, with any doubt being resolved in the favor of access.<sup>1</sup> Unless an exception to the Public Records Act is applicable, a custodian has the responsibility and duty to provide access to public records, and the public has a right to copy, inspect or reproduce public records.<sup>2</sup>

<sup>1</sup> *Title Research Corp. v. Rausch*, 450 So.2d 933 (La. 1984); *Landis v. Moreau*, 00-1157 (La. 2/21/01), 779 So.2d 691.

<sup>2</sup> La. R.S. 44:31.

Before determining whether or not an exception to production applies, we must consider whether or not a sign-in sheet created at a Town Hall Meeting is a "public record" as defined by the Public Records Act. La. R.S. 44:1(A)(2)(a) provides:

All books, records, writings, accounts, letters and letter books, maps drawings, photographs, cards, tapes, recordings, memoranda, and papers, and all copies, duplicates, photographs, including microfilm, or other reproductions thereof, or any other documentary materials, regardless of physical form or characteristics, including information contained in electronic data processing equipment, **having been used, being in use, or prepared, possessed, or retained for use in the conduct, transaction, or performance of any business, transaction, work, duty, or function which was conducted, transacted, or performed by or under the authority of the constitution or laws of this state, or by or under the authority of any ordinance, regulation, mandate, or order of any public body** or concerning the receipt or payment of any money received or paid by or under the authority of the constitution or the laws of this state, are "public records", except as otherwise provided in this Chapter or the Constitution of Louisiana.

[Emphasis added].

Your opinion asks, in general, whether sign-in sheets created at Town Hall Meetings are public records subject to production, however, whether or not such a document would fall under the definition of a "public record" provided by La. R.S. 44:1(A)(2)(a) merits further consideration of the facts surrounding the Town Hall Meeting. We understand that anyone may call a Town Hall Meeting, whether it is a public official or a member of the public.<sup>3</sup> In other words, the ability to call a Town Hall Meeting is not something which is reserved for council members. In La. Atty. Gen. Op. No. 08-0239, a distinction was made between Council Meetings and Town Hall Meetings. A Council Meeting is a gathering sanctioned and called by the Council as a public body. A Town Hall Meeting is a gathering called by one or more individuals, who may or may not be public officials. You have not indicated that the Council has passed any ordinance, regulation, mandate or order concerning the calling of Town Hall Meetings by council members. For this reason, if a sign-in sheet is created at a Council Meeting, the analysis is different than a sign-in sheet created at a Town Hall Meeting, due to the fact that a Council Meeting is a meeting conducted, transacted or performed by or under the authority of an ordinance, regulation, mandate or order of a public body. Conversely, there are no facts suggesting that a Town Hall Meeting is conducted, transacted or performed by or under the authority of an ordinance, regulation, mandate or order of a public body.

In a previous opinion issued to the St. Charles Parish Council, La. Atty. Gen. Op. No. 08-0312, our office stated that the issue of whether or not the document at issue is a

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<sup>3</sup> See La. Atty. Gen. Op. No. 08-0239, previously issued to the St. Charles Parish Council.

public record depends upon whether the document was used, prepared, possessed or retained for use in the conduct, transaction or performance of business which the public official conducts as part of their official duties. Thus, although your question is posed in the abstract, i.e., whether any sign-in sheet created at a Town Hall Meeting is a sign-in sheet, one must also consider whether a public official has called the Town Hall Meeting, and whether he or she has done such in his or her official capacity. However, nothing in your request indicates that such a record is created as part of the public official's official duties, therefore, this opinion will not go into further discussion as to how potential privacy implications of the information provided may factor into the analysis of whether or not such a record would be subject to disclosure.<sup>4</sup>

In conclusion, it is the opinion of this office that, *in general*, sign-in sheets created at Town Hall Meetings are not "public records" as defined by the Public Records Act. As described above, one is not required to be a public official to call a Town Hall Meeting, and there is no indication that the information on the sign-in sheet is gathered by a council member pursuant to the performance of his or her official duties. However, again, we note the broad nature of your question, and as such, we reiterate that the analysis could change should additional facts be provided indicating that the Town Hall Meeting was conducted under the authority of an ordinance, regulation, mandate or order of the Council, or whether the record was created as part of a council member's official duties.

We hope that this opinion has adequately addressed the legal issues you have raised. If our office can be of any further assistance, please do not hesitate to contact us

With best regards,

JAMES D. "BUDDY" CALDWELL  
ATTORNEY GENERAL

BY:

  
Emalie A. Boyce  
Assistant Attorney General

JDC: EAB

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<sup>4</sup> See La. R.S. 44:11, and La. Atty. Gen. Op. Nos. 04-0328 and 00-314.