



HOUSE BILL 125: Public Agency Computer Code Not Public Record

2013-2014 General Assembly

Committee: Senate Judiciary I
Introduced by: Reps. Conrad, Hanes, Lambeth
Analysis of: First Edition

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SUMMARY: *House Bill 125 would clarify that any proprietary computer code written by any agency or subdivision of the State is not a public record.*

[As introduced, this bill was identical to S295, as introduced by Sens. Parmon, Brunstetter, which is currently in Senate Judiciary I.]

CURRENT LAW: Pursuant to G.S. 132-1(a), "'Public record" or 'public records' shall mean all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions."

G.S. 132-1.1 lists certain information that is specifically excluded from the definition of a public record, such as confidential communications by legal counsel and some State tax information.

BILL ANALYSIS: House Bill 125 would add a subsection to G.S. 132-1.1 to exclude proprietary computer code written by any agency or subdivision of the State from the definition of a public record.

A State agency or subdivision will be able to create a computer program/system specific to its needs and can license it if it chooses to do so, but the computer code itself (the binary/program language used to create the system) would not be a public record.

EFFECTIVE DATE: The act is effective when it becomes law and applies to public records existing before, on, or after that date.

Shelly DeAdder, counsel to House Judiciary Subcommittee A, substantially contributed to this summary.

