

NNC Title 1 § 84. Records that must be disclosed

A. The following records **are public** except to the extent they contain information expressly permitted to be treated as protected as provided for in 2 N.N.C. § 85.

1. Laws;
2. Names, gender, job titles, job description, business addresses, business telephone numbers, number of hours worked per pay period, dates of employment, relevant education, previous employment, and similar job qualifications of the governmental entity's current and former employees and officers excluding:
 - a. Undercover law enforcement...
 - b. Investigative personnel...impair ... individual's safety;
3. Inter-office memoranda;
4. Final opinions, including concurring and dissenting opinions, and orders that are made by a governmental entity in an administrative, adjudicative, or judicial proceeding except that if the proceedings were properly closed to the public, the opinion and order may be withheld to the extent that they contain information that is protected.
5. Final interpretations of statutes or rules by a governmental entity;
6. Information contained in or compiled from a transcript, minutes, or report of the open portions of a meeting, excluding executive sessions, or a governmental entity;
7. Judicial records unless a court orders the record to be restricted ...
8. Records filed with or maintained by governmental entities that give public notice of:
 - a. Titles or encumbrances to real property, including homesite permits, land use permits and grazing permits; or
 - b. Restrictions on the use of real property;
9. Records filed with or maintained by governmental entities that evidence incorporations, name changes, and uniform commercial code filings;
10. Documentation of the compensation that a governmental entity pays to a contractor or private provider; and
11. Data on individuals that would otherwise be protected under this Subchapter if the individual who is the subject of the record has given the governmental entity written permission to make the records available to the public.

B. The following records **are normally public**, but to the extent that a record is expressly exempt from disclosure, access may be restricted under 2 N.N.C. § 85:

1. Administrative staff manuals, instructions to staff, and statements of policy;
2. Records documenting a contractor's or private provider's compliance with the terms of a contract with a governmental entity;
3. Contracts entered into by a governmental entity;
4. Any account, voucher, or contract that deals with the receipt or expenditure of funds by a governmental entity;
5. Correspondence by and with a governmental entity in which the governmental entity determines or states an opinion upon the rights of the Nation, a political subdivision, the public, or any person;
6. Empirical data if contained in drafts if:
 - a. The data is not reasonably available to the requester elsewhere in similar form; and
 - b. The governmental entity is given a reasonable opportunity to correct any errors or make nonsubstantive changes before release;
7. Drafts that are circulated to anyone other than a governmental entity, a federal agency if the governmental entity and the federal agency are jointly responsible for implementation of a program, or a contractor or private provider;

8. Drafts that have never been finalized but were relied upon by the governmental entity in carrying out action or policy;
9. Arrest warrants after issuance, except that, for good cause, a court may order restricted access to arrest warrants prior to service;
10. Search warrants after execution and filing of the return, except that, for good cause, a court may order restricted access to search warrants prior to trial;
11. Records that would disclose information relating to formal charges or disciplinary action against a past or present governmental entity employee if:
 - a. The disciplinary action has been completed and all time periods for administrative appeal have expired; and
 - b. The formal charges were sustained.

C. The list of public records in this Section is not exhaustive and should not be used to limit access to records.

NNC Title 1 § 85. **Protected records**

- A. The following records are private or otherwise protected and shall not be considered public for purposes of required disclosure;
1. Records concerning an individual's eligibility for social services, welfare benefits, or the determination of benefit levels;
 2. Records containing data on individuals describing medical history, diagnosis, condition, treatment, evaluation, or similar medical data, including psychiatric or psychological data;
 3. Records concerning a current or former employee of, or applicant for employment with, a governmental entity that would disclose that individual's home address, home telephone number, social security number, insurance coverage, marital status, or payroll deductions;
 4. Records concerning a current or former employee of, or applicant for employment with, a governmental entity, including performance evaluations and personal status information such as race, religion, or disabilities, but not including records that are public under 2 N.N.C. § 84 (A)(2) or (B)(11);
 5. Records describing an individual's finances, except that the following are public;
 - a. Records described in 2 N.N.C. § 84(A);
 - b. Navajo Nation Economic Disclosure Statements filed with the Ethics and Rules Office by elected public officials and candidates for elected public office, pursuant to 2 N.N.C. § 3762;
 - c. Loan applications for Navajo Nation loans to elected public officials and appointed public officials submitted to the Government Services Committee for approval, pursuant to Section 7(c) of the Personal Loan Operating Policies and Guidelines, approved by Resolution CLO–19–88; or
 - d. Records that must be disclosed in accordance with another statute or duly adopted rules and regulations of a governmental entity;
 7. The negotiating position of the Navajo Nation before a contract, lease, or other agreement is entered into;
 8. Records prepared by or on behalf of a governmental entity solely in anticipation of litigation that are not available under the rules of discovery;
 9. Information, research, and discussions conducted by the public bodies of the Navajo Nation during executive sessions;
 10. Memoranda prepared by staff and used in the decision-making process by a judge or a member of any other body charged by law with performing a quasi-judicial function;

11. Information received in response to an invitation for bids or request for proposals before a contract is awarded. Such information will also remain unavailable to the general public after a contract is entered into provided that the information contained in the bid or proposals is proprietary in nature, or otherwise to remain confidential at the request of the person submitting the bid or proposal;
12. Information contained within or related to a contract, lease or other agreement which is proprietary in nature or otherwise to remain confidential at the request of any party to the contract, lease or other agreement;
13. Records of a governmental audit agency relating to an ongoing or planned audit until the final audit is released;
14. Records which are sealed or otherwise protected by court order due to the sensitive nature of the record in which the privacy interest of the person outweighs the public interest in the information;
15. Records to which access is restricted pursuant to court rule or as a condition of participation in a state or federal program or for receiving state or federal funds;
16. Drafts, unless otherwise classified as public;
17. Information related to the location of an individual member of any threatened or endangered species, such that that individual could be placed further at risk;
18. Information which cannot be released without interfering with an individual's right to exercise or practice his chosen religion;
19. Information otherwise protected by applicable laws;
20. Other records containing data on individuals the disclosure of which constitutes a clearly unwarranted invasion of privacy. B. Upon request, a governmental entity shall disclose a private or otherwise protected record as provided for in 2 N.N.C. § 86.