	West Fargo Fire & Rescue Policy and Procedure			Authorized by: D. Fuller Fire Chief
	Subject: OPEN RECORDS COMPLIANCE			
	Section: ADMIN	Date Authorized: 8/5/2015	Date Reviewed: 11/1/2017	
	Number: 115			

Intent


The intent of this policy is to ensure compliance with the North Dakota Century Code, Chapter 44-04 Open Records.

Policy

All records of the West Fargo Fire Department, with a few specific exemptions, are considered open records. All communications with the department, including minutes, memos, reports, outlines, notes, and other information kept for or relating to official business or public funds, regardless of format or location, including video & audiotape, computer data, e-mails and photographs, employee salary and job performance records, financial records, telephone records, and travel vouchers.

Certain records are considered exempt from open records requests and may be withheld at the discretion of the West Fargo Fire Department, such as home address, home/cell phone numbers, employee ID number, driver's license number, dependent information and emergency contact of public employees (§ 44-04-18.1(2)) or individuals licensed by a state occupational/professional board, association, agency, or commission (§ 44-04-18.1(4)) as well as;

- Personal financial information of public employees used for payroll purposes (§ 44-04-18.1);
- Active criminal intelligence, criminal investigative information, officer training materials and other information that may impact officer safety (§ 44-04-18.7); work schedule of employees of a law enforcement agency (44-04-18.3(3));
- Homicide or sex crime scene images or any image of a minor victim of a crime (§ 44-04-18.7(8));
- Address, phone number, or personal information that could be used to locate or identify a victim/alleged victim of domestic violence, human trafficking, a sex offense, or a sexual performance by a child (§ 44-04-18.20);
- Financial account numbers (§ 44-04-18.9);
- E-mail address/phone number of an individual provided for purposes of communicating with a public entity, except this exemption cannot be used to shield the person's identity (§ 44-04-18.21);
- Driver's license number, phone number, day/month of birth, and insurance information from a motor vehicle accident report form, except it is open to the parties involved in the accident or their insurers (§ 39-08-13(4));
- Records related to the name and medical condition of an individual and treatment provided by a public entity during an emergency medical response (§ 44-04-18.22).
- Recordings of 911 calls and related responses, except a person may listen to, or obtain written transcript of, the recordings (§ 57-40.6-07(4));
- Body camera images taken in a private place by law enforcement or firefighter (§ 44-04-18.7).
- Attorney work product (§ 44-04-19.1(1));
- Security system plans (§ 44-04-24) and public health & security response plans (§ 44-04-24, § 44-04-25);

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- Critical infrastructure information vital to maintaining public safety, security, or health (§ 44-04-24);

- Bids/proposals in response to an RFP, but once all proposals opened/presentations heard, it is open (§ 44-04-18.4(6));
- Personal information of applicants/recipients of economic assistance programs administered under division of community services or a community action agency (§ 44-04-18.19);
- Risk Management records of claims against the state/employee (§ 32-12.2-11(1)) & state agency loss control committee records (§ 32-12.2-12);

Still other records are protected by law and as such cannot be released by the West Fargo Fire Department, such as;

- Social Security numbers (§ 44-04-28);
- Address & home phone of an employee of a law enforcement agency (§ 44-04-18.3);
- Any information that would reveal the identity of an undercover law enforcement officer (§ 44-04-18.3);
- Public employee medical treatment records (§ 54-52.1-12, § 44-04-18.1(1), Ch. 23-01.3);*
- Employee Assistance program records (§ 44-04-18.1(1));
- Patient records at university system medical centers or public health authority* (§ 44-04-18.16);
- Criminal history records (§§ 12-60-16.5, 12-60-16.6);**
- Identifying information of a living child victim or witness of a crime, except in the case of traffic accident or victim of fire (§ 12.1-35-03);
- Names of persons injured or deceased, but only until law enforcement has notified the next of kin or for 24 hours, whichever occurs first; after that, the information is open (§ 39-08-10.1);
- Income tax and sales & use tax returns and information (§ 57-38-57), (§ 57-39.2-23);
- Autopsy photographs, images, audio/video recordings, working papers, notes except the final report of death, which is open (§ 44-04-18.18, § 23-01-05.5);
- Trade secret, proprietary, commercial & financial information, *if* it is of a privileged nature *and* has not yet been publicly disclosed (§ 44-04-18.4);
- Electronic (computer or telecommunication) security codes and/or passwords (§ 44-04-27);
- Fire investigations until the investigation is completed, then the information is open (§ 44-04-30(1));
- WSI employer files, except a Safety Grant recipient's name & amount awarded is open (§ 65-04-15);
- Foster care records (§ 50-11-05);
- Law enforcement & correctional facility records of delinquent, unruly, or deprived child (§ 27-20-52(1))



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