

ARTICLE VI. - PUBLIC RECORDS ^[28]

⁽²⁸⁾ **Charter reference**— Inspection of records, § 13.3.

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Sec. 2-771. - Inspection authorized; limitations.

All records and accounts of every office, department and agency of the city shall be open to inspection by any person at all reasonable times and under reasonable regulations established by the mayor, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish, and except such records as are required by state law or this Code to be kept confidential. Each department head shall be held responsible for the preservation of all public records under his jurisdiction and shall provide a system of filing and indexing the records. No public records, reports, correspondence or other data relative to the business of any department shall be destroyed or removed permanently from the files without the knowledge and approval of the mayor.

(Code 1960, § 2.605(c))

State law reference— Records required to be public, AS 09.25.110.

Sec. 2-772. - Scope of article.

This article does not require the city to expend time and effort to create a record or to compile information in order to comply with a request, but only concerns already collected information found in existing records.

(Code 1960, § 2.614(c))

Sec. 2-773. - Inspection and copying of city records.

(a) Unless specifically provided otherwise, the books, records, papers, files, accounts, writing and transaction of all agencies and departments of the city are public record and are open to inspection by the public during regular office hours. Copies of the public record are available upon payment of a fee as specified in section 2-775 to the city clerk.

(b) The following public records and documents are not required to be disclosed by this section or by section 13.3 of the city Charter:

(1) Communications between any agency and the city attorney's office which contain legal questions concerning potential or actual litigation.

(2) Personnel, payroll or medical files, human rights commission files or other files which reveal the financial or medical status of any specific individual, the release of which would constitute an unwarranted invasion of privacy. The salary and fringe benefits paid to any city employee are not private and will be disclosed to the public.

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- (3) The name, address, telephone number or other identifying information about complainants in actions to enforce building or other city ordinances or regulations.
- a. This subsection does not prohibit disclosure of the contents of the complaint, so long as the complainant is not identifiable.
 - b. This subsection does not prohibit disclosure of the name of the complainant when such disclosure becomes necessary to fair and just disposition of the charge or complaint in enforcement proceedings.
- (4) Records or engineering or other technical data, which, if released, would provide a competitive advantage to any other person or corporation engaged in similar or related activities or adversely affect the city's competitive bid process.
- (5) Proprietary information which a manufacturer, consultant or provider reasonably requires to be kept privileged or confidential to protect the property interests of the person providing the information or data.
- (6) Information which the city considers to be privileged or confidential for purposes of successful collective bargaining.
- (7) Information obtained by and in the custody of city risk management or insurance carriers acting for or insuring the city and their attorneys and agents regarding possible and pending claims against the municipality.
- (8) Any records, study, survey or data collected by the telecommunications department for use by the marketing department which, if released, would give an advantage to telecommunications competitors of the municipal utilities system.
- (9) Any copyrighted material is only required to be released in its copyrighted form. Any proprietary information, including compilations of telephone white pages and classified listings which are intended to be placed in copyrighted form within 15 months, may be withheld until the copyrighted form is published. Law enforcement agencies, after signing an agreement to pay for cost of copying and that such information will not be distributed to the public, may receive copies of the municipal utilities system's customers' names, addresses and phone numbers solely for law enforcement purposes. Information including names, addresses, phone numbers and locations may be released by telephone to any 911 emergency dispatcher if the dispatcher requests the information and informs the city that an emergency exists.
- (10) Police information practices in regard to criminal justice information concerning prior convictions shall be governed by the provisions of AS 12.62.010 et seq. and the regulations promulgated thereunder.
- (11) Blueprints and building plans required by city ordinance to be submitted to the building department or city engineer's office may be inspected by the public but may not be copied or released to the public.
- (12) Record and documents specifically exempted from disclosure by federal or state law or other city ordinance.

(Code 1960, § 2.614(a), (b)(1), (2), (4), (6)—(14))

State law reference— Exceptions for certain records, AS 09.25.120.

Sec. 2-774. - Response to requests for public records.

- (a) All city officers and employees shall, consistent with the orderly conduct of city business, make a good faith and diligent effort to provide a rapid and intelligible response to requests for inspection of records made pursuant to this article. To effect this policy, the guidelines in this section are adopted.

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(b) Information pursuant to this article shall be furnished promptly to the requesting party unless the information requested is declared privileged or confidential pursuant to applicable federal or state law. If the officer or employee considers the information to be privileged, he shall prepare a memorandum setting forth the date, the item of information requested, the specific provision of applicable state or federal law exempting the requested information from disclosure, and the title and signature of the person withholding the information. A copy of this memorandum shall be provided to the party requesting the information. If an officer or employee of the city called upon to furnish information pursuant to this section is uncertain as to whether the material sought is privileged or otherwise exempted from disclosure, he shall indicate this on the memorandum and shall further identify his supervisor so that the request for inspection of documents may be submitted to the officer or employee authorized to make a decision on the matter. A copy of this memorandum shall be given to the requesting party.

(c) Any denial of a request for information or inspection of public records may be appealed to the city attorney, and a written reply will be given within seven working days either granting or denying the appeal. A party not satisfied with the decision of the city attorney may further appeal to the city council.

(Code 1960, § 2.614(d))

Sec. 2-775. - Fees.

The city council has adopted a schedule of fees and charges for services stating the fee for copies of documents, media and other city services.

(Code 1960, § 1.115; Ord. No. 5744, § 5, 7-1-2008)

Sec. 2-776. - Confidential information.

State law permits members of the public to inspect and copy most information in city files. However, this section exempts certain information from public inspection which would be an unwarranted invasion of the privacy of city customers or employees or the release of which information which could have an adverse effect on the finances of the city. City employees are prohibited from:

- (1) Disclosing information exempt from public disclosure to noncity employees without prior approval of the department head or pursuant to lawful subpoena.
- (2) Inspecting or copying confidential information except in the course of their official duties.
- (3) Unauthorized altering of city files.

(Code 1960, § 2.614.1(a))

Sec. 2-777. - Protecting electronic or computer files.

Access to information on city computer systems is available to authorized persons only. City employees are given access to computer systems only by means of log-on identification and a password separately assigned to each employee. City employees are prohibited from:

- (1) Using another's identification and password to access information.
- (2) Allowing another to use an employee's identification and password access.
- (3) Accessing computer files other than in the course of their official duties.
- (4) Unauthorized altering of city computer files.
- (5) Disclosing information not available to the public other than to authorized persons.

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(Code 1960, § 2.614.1(b))

Sec. 2-778. - Penalty for violations.

Violation of sections 2-776 and 2-777 is a misdemeanor and is grounds for disciplinary action, including dismissal.

(Code 1960, § 2.614.1(c))

Secs. 2-779—2-810. - Reserved.

⁽²⁸⁾ **State Law reference—** Public records, AS 09.25.100 et seq. (Back)