

Policy

PUBLIC RECORDS

DCB.311

EFFECTIVE DATE: FEBRUARY 2018 REVIEWED: SEPTEMBER 2024

SOURCE: [SBHE 311 Public Records](#)

Policy

Except as otherwise specifically provided by law or this policy, all records of the SBHE, the NDUS and its institutions are, pursuant to NDCC Section 44-04-18, public records, open and accessible for inspection during regular office hours. Requests for review of public records are forwarded to the Campus Dean's office.

Records exempt from the open records law include (without limitation):

- a. Information pertaining to an employee's retirement account balance, disability applications and benefits, and surviving spouse applications and benefits under NDCC Ch. 54-52 or a plan adopted by the board (NDCC Section 54-52-26);
- b. Certain economic development records (NDCC Section 44-04-18.2);
- c. Trade secret, proprietary, commercial and financial information (NDCC Section 44-04-18.4 and SBHE Policy 611.6), including university research records and personally identifiable study information;
- d. Computer software programs or components for which a copyright, patent or license is acquired (NDCC Section 44-04-18.5);
- e. Attorney work product (NDCC Section 44-04-19.1);
- f. Social security numbers, which are confidential under N.D.C.C Section 44-04-28; and
- g. Title IX records at state universities and colleges (NDCC Section 44-04-18.28).

Copies of records not exempt from section 44-04-18 shall be provided upon request. Copies shall be made of records and documents in the form filed or kept in the normal course of business and employees are not required to retrieve and collate or summarize data or prepare other special reports or documents not required by law or otherwise prepared in the normal course of business.

A fee for allowing access to documents may not be assessed; however, there will be a reasonable fee assessed to cover copying costs, including reasonable costs of computer-generated documents. The fee for standard paper copies may not exceed twenty-five cents per copy as provided under section 44-04-18. A fee not to exceed twenty-five dollars per hour, excluding the first hour, may be charged per request for locating records if locating the records requires more than one hour or for excising confidential or closed material if excising the material requires more than one hour.



Policy

Access to electronically stored records is free if the records are recoverable without the use of a computer backup; if a request is made for access to a record on a backup or for a copy of an electronically stored record, an additional reasonable fee may be charged to cover costs attributable to the use of information technology resources.