

N.D.A.G. Letter to Olson (Nov. 2, 1987)

November 2, 1987

Mr. Richard W. Olson
Emerado City Attorney
P.O. Box 787
315 First Avenue North
Grand Forks, ND 58206-0787

Dear Mr. Olson:

Thank you for your letter of October 23, 1987, as to various city council documents and the North Dakota open records law.

North Dakota's open records law states that records of public bodies must be available for public inspection unless a law provides otherwise. The open records law would apply to those documents listed in your letter involving city matters. Assuming there are no laws providing for confidentiality of these records, and I am unaware of the existence of any such confidentiality laws concerning these subjects, the documents listed in your letter would be subject to the open records law and would have to be made available for public inspection upon demand.

The issue of making copies of open and public records is not specifically addressed by the open records law. However, I have consistently urged public officials in complying with the open records law to make copies available so as to further the spirit and intent of the open records law.- The objective of the open records law, as found within the constitution and in our statutes, is to allow the public an opportunity to see how its business is being conducted. That goal is hindered when administrators and officials of public bodies refuse to make copies of records which are available for public inspection and disclosure.

As part of the process in making copies of open records, reasonable charges for expenses incurred may be assessed and collected by the public officials.

I hope this information is helpful to you.

Sincerely,

Nicholas J. Spaeth

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