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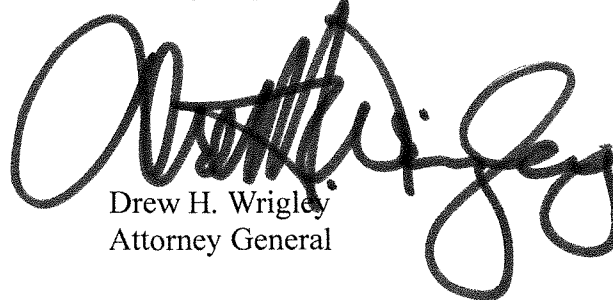
**OPEN RECORDS AND MEETINGS SUMMARY OPINION
2026-SO-21**

DATE ISSUED: September 25, 2026

ISSUED TO: North Dakota Department of Health and Human Services

SUMMARY OPINION¹

Keith T. Hapip Jr. requested an opinion from this office under N.D.C.C. § 44-04-21.1 asking whether the Oral Health Program of the Public Health Division of the North Dakota Department of Health and Human Services (DHHS) violated N.D.C.C. § 44-04-18 by not providing records responsive to his open records request. The requester alleges that DHHS withheld records because the City of Bismarck produced records in response to an identical request that DHHS did not produce in its response. DHHS states that it provided the requester with all the responsive records it had in its possession and did not withhold any responsive records.² This office must base opinions on alleged violations of the open records law on the facts provided by the public entity.³ Based on the facts provided by DHHS, I conclude that DHHS did not violate the open records law because it did not withhold any responsive records in its possession.⁴



Drew H. Wrigley
Attorney General

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cc: Keith T. Hapip Jr.

¹ This Summary Opinion is issued pursuant to the authority granted to this office in N.D.C.C. § 44-04-21.1(1).

² See N.D.C.C. § 44-04-18(1) (“Except as otherwise specifically provided by law, all records of a public entity are public records . . .”); N.D.C.C. § 44-04-17.1(16) (“‘Record’ means recorded information of any kind, regardless of the physical form or characteristic by which the information is stored, recorded, or reproduced, which is in the possession or custody of a public entity or its agent and which has been received or prepared for use in connection with public business or contains information relating to public business”).

³ N.D.C.C. § 44-04-21.1(1).

⁴ See N.D.A.G. 2024-O-08 (“Public entities are only responsible for providing records that exist and that they have in their possession.”).