

MEMORANDUM

TO: Commissioners and Observers, ULC Drafting Committee on Redaction of Personal Information from Public Records (RPIPR)

FROM: Vince DeLiberato, Committee Chair
Michael Houghton, Committee Vice Chair
Barbara Bintliff, Committee Co-Reporter
Amy Sanders, Co-Reporter

DATE: March 21, 2024

SUBJECT: Items for discussion at April 12-13 hybrid meeting in Phoenix, AZ and remotely

The Drafting Committee on Redaction of Personal Information from Public Records will meet in-person and via Zoom for this meeting.

The first morning of the meeting, Friday, April 12, will see discussion of a range of Constitutional issues. Co-Reporter Amy Sanders has prepared the following list of initial questions to guide the conversation:

1. Will the draft act, as written, withstand a First Amendment challenge based on an unconstitutional restriction on the right of access to government information?
2. Will the draft act, as written, withstand a common law right of access challenge in states with these rights — particularly when the scope of that right of access is broader than the state's statutory right embodied in its public records law?
3. Will the draft act, as written, survive strict scrutiny were it to be challenged as a content-based or speaker-based restriction on speech under the guise it discriminated against certain groups of requestors?
4. Will the draft act, as written, survive an as-applied challenge by a news organization who publishes lawfully obtained information that has been redacted under the statute from public records?

Other Constitutional issues may arise in the course of the conversation and can be considered as time permits.

Beginning after lunch on Friday, April 12, and throughout the rest of the meeting, the discussion will move to the draft act. The draft act will be considered section-by-section. The text of the draft act is in the numbered sections, as with any act. (Section 1, Section 2, etc.) The comments sections include both possible instructions/comments for a final draft and questions and alternative approaches to dealing with the subject of the section.

We request that all Commissioners and Observers bring any suggested changes to the meeting so that all changes can be discussed by the group at one time. Do not send suggested changes to the committee chair, vice chair, or co-reporters.

The ULC has a committee page that will include documents and materials submitted in the court of the drafting committee's work. That page can be accessed via the ULC website (www.uniformlaws.org) or directly at <http://www.uniformlaws.org/committees/community-home?communitykey=4712f839-be31-4792-b240-018a850d539b>.

Thanks to all for your participation in this project.