

Sec. 40.25.220. Definitions for AS 40.25.100 - 40.25.295.

In AS 40.25.100 - 40.25.295, unless the context otherwise requires,

(1) "electronic services and products" means computer-related services and products provided by a public agency, including

(A) electronic manipulation of the data contained in public records in order to tailor the data to the person's request or to develop a product that meets the person's request;

(B) duplicating public records in alternative formats not used by a public agency, providing periodic updates of an electronic file or data base, or duplicating an electronic file or data base from a geographic information system;

(C) providing on-line access to an electronic file or data base;

(D) providing information that cannot be retrieved or generated by the existing computer programs of the public agency;

(E) providing functional electronic access to the information system of the public agency; in this subparagraph, "functional access" includes the capability for alphanumeric query and printing, graphic query and plotting, nongraphic data input and analysis, and graphic data input and analysis;

(F) providing software developed by a public agency or developed by a private contractor for a public agency;

(G) generating maps or other standard or customized products from an electronic geographic information system;

(2) "public agency" means a political subdivision, department, institution, board, commission, division, authority, public corporation, council, committee, or other instrumentality of the state or a municipality; "public agency" includes the University of Alaska and the Alaska Railroad Corporation;

(3) "public records" means books, papers, files, accounts, writings, including drafts and memorializations of conversations, and other items, regardless of format or physical characteristics, that are developed or received by a public agency, or by a private contractor for a public agency, and that are preserved for their informational value or as evidence of the organization or operation of the public agency; "public records" does not include proprietary software programs.

History -

(Sec. 1 ch 115 SLA 1967; am Sec. 14 ch 59 SLA 1982; am Sec. 8 ch 200 SLA 1990; am Sec. 104 ch 4 FSSLA 1992; am E.O. No. 113 Sec. 18 (2005); am Sec. 21 ch 58 SLA 2010)

Revisors Notes -

Formerly AS 09.25.220. Renumbered in 2000, at which time "AS 40.25.100 - 40.25.220" was substituted for "AS 09.25.100 - 09.25.220" to reflect the 2000 renumbering of AS 09.25.100 - 09.25.220.

In 1994, former paragraphs (2)-(4) and (7) were renumbered as AS 09.25.390(1)-(4).

Amendment Notes -

The 2005 amendment, effective March 14, 2005, repealed former paragraph (4).

The 2010 amendment, effective June 10, 2010, in the section heading and in the introductory language, substituted "AS 40.25.100 - 40.25.295" for "AS 40.25.100 - 40.25.220".

AG Opinions -

Permanent fund dividend applications are most certainly included as records developed by a public agency preserved both for informational value and as evidence of the operation of the agency, i.e., they are public records. In 1990, the legislature passed laws directing the state to provide special notice when requiring a person to supply personal information so that the person may, among other things, challenge the accuracy or completeness of the information. As a part of this Act, the legislature adopted a definition of "personal information." This definition specifically excludes a person's name and address. Thus, a person's name and address are subject to disclosure, and the Department of Revenue must provide the names and addresses of PFD applicants to any member of the public who requests the information and pays the required fees. 1992 Inf. Op. Atty. Gen. 161 (April 1; 663-92-0163).

Decisions -

Public official. - The president of the University of Alaska is a public officer for purposes of AS 09.25.110 (now AS 40.25.110). *Carter v. Alaska Pub. Employees Ass'n*, 663 P.2d 916 (Alaska 1983).

Public records. - Time sheets which indicate merely the hours worked for a public employer are included in the definition of "public records" in this section, and they are not subject to the confidentiality provisions of AS 39.25.080. *Alaska Wildlife Alliance v. Rue*, 948 P.2d 976 (Alaska 1997).