

Original sponsor(s): REP. BROWN, Boucher, Goll, Ellis

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 405 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to requests for information by  
7 public agencies; relating to public access to and  
8 changes to the information of public agencies; and  
9 relating to the copyrighting of software produced by  
10 or for public agencies."

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

12 \* Section 1. LEGISLATIVE FINDINGS AND INTENT. The legislature finds  
13 that

14 (1) public access to government information is a fundamental  
15 right that operates to check and balance the actions of elected and ap-  
16 pointed officials and to maintain citizen control of government;

17 (2) computers and electronic data bases have proliferated  
18 throughout government raising issues regarding access to electronic infor-  
19 mation that are not addressed in present law;

20 (3) to protect the public's right to know, public records must  
21 be available at nominal cost;

22 (4) to protect an individual's right to privacy under the state  
23 and federal constitutions, the state shall inform individuals if personal  
24 information about them will be subject to public disclosure;

25 (5) an individual shall have the opportunity to change personal  
26 information contained in public records if the information is inaccurate or  
27 incomplete;

28 (6) if public agencies increase electronic access to the state's  
29 information systems, particularly for the more isolated communities of the

1 state, the delivery of public services and the availability of information  
2 throughout the state would be enhanced;

3 (7) public access to state and municipal information systems  
4 will be enhanced by establishing user fees for electronic services and  
5 products that are calculated to recover a reasonable portion of the costs  
6 associated with building and maintaining a public information system.

7 \* Sec. 2. AS 09.25.110 is amended to read:

8 Sec. 09.25.110. INSPECTION AND COPIES OF PUBLIC RECORDS. Unless  
9 specifically provided otherwise, the [BOOKS, RECORDS, PAPERS, FILES,  
10 ACCOUNTS, WRITINGS, AND TRANSACTIONS OF ALL AGENCIES AND DEPARTMENTS  
11 ARE] public records of all public agencies [AND] are open to inspec-  
12 tion by the public under reasonable rules during regular office hours.  
13 The public officer having the custody of public records shall give on  
14 request and payment of the fee established under this section or  
15 AS 09.25.115 [COSTS] a certified copy of the public record.

16 \* Sec. 3. AS 09.25.110 is amended by adding new subsections to read:

17 (b) Except as otherwise provided in this section, the fee for  
18 copying public records may not exceed the standard unit cost of dupli-  
19 cation established by the public agency.

20 (c) If the production of records for one requester in a calendar  
21 month exceeds five person-hours, the public agency shall require the  
22 requester to pay the personnel costs required during the month to  
23 complete the search and copying tasks. The personnel costs may not  
24 exceed the actual salary and benefit costs for the personnel time  
25 required to perform the search and copying tasks. The requester shall  
26 pay the fee before the records are disclosed, and the public agency  
27 may require payment in advance of the search.

28 (d) A public agency may reduce or waive a fee when the public  
29 agency determines that the reduction or waiver is in the public

1 interest. Fee reductions and waivers shall be uniformly applied among  
2 persons who are similarly situated. A public agency may waive a fee  
3 of \$5 or less if the fee is less than the cost to the public agency to  
4 arrange for payment.

5 (e) Notwithstanding other provisions of this section to the  
6 contrary, the Bureau of Vital Statistics, the library archives in the  
7 Department of Education, and the division of banking, securities, and  
8 corporations in the Department of Commerce and Economic Development  
9 may continue to charge the same fees that they are charging on the  
10 effective date of this Act for performing record searches, and may  
11 increase the fees as necessary to recover agency expenses on the same  
12 basis that is used by the agency immediately before the effective date  
13 of this Act.

14 (f) Notwithstanding other provisions of this section to the  
15 contrary, the Board of Regents of the University of Alaska may estab-  
16 lish reasonable fees for the inspection and copying of public records,  
17 including record searches.

18 (g) Notwithstanding other provisions of this section to the  
19 contrary, the board of directors of the Alaska Railroad Corporation  
20 may establish reasonable fees for the inspection and copying of public  
21 records, including record searches.

22 (h) Notwithstanding other provisions of this section to the  
23 contrary, the judicial branch may establish by court rule reasonable  
24 fees for the inspection and copying of public records, including  
25 record searches.

26 (i) Electronic information that is provided in printed form  
27 shall be made available without codes or symbols, unless accompanied  
28 by an explanation of the codes or symbols.

29 \* Sec. 4. AS 09.25 is amended by adding a new section to read:

1           **Sec. 09.25.115. ELECTRONIC SERVICES AND PRODUCTS.** (a) Notwith-  
2 standing AS 09.25.110(b) - (d) to the contrary, upon request and  
3 payment of a fee established under (b) of this section, a public  
4 agency may provide electronic services and products involving public  
5 records to members of the public. A public agency is encouraged to  
6 make information available in usable electronic formats to the great-  
7 est extent feasible. The activities authorized under this section may  
8 not take priority over the primary responsibilities of a public agen-  
9 cy.

10           (b) The fee for electronic services and products must be based  
11 on recovery of the actual incremental costs of providing the elec-  
12 tronic services and products, and a reasonable portion of the costs  
13 associated with building and maintaining the information system of the  
14 public agency. The fee may be reduced or waived by the public agency  
15 if the electronic services and products are to be used for a public  
16 purpose, including public agency program support, nonprofit activi-  
17 ties, journalism, and academic research. Fee reductions and waivers  
18 shall be uniformly applied among persons who are similarly situated.

19           (c) Notwithstanding (b) of this section, the fee for duplicating  
20 a public record in the electronic form kept by a public agency may not  
21 exceed the actual incremental costs of the public agency.

22           (d) Public agencies shall include in a contract for electronic  
23 services and products provisions that

24                   (1) protect the security and integrity of the information  
25 system of the public agency and of information systems that are shared  
26 by public agencies; and

27                   (2) limit the liability of the public agency providing the  
28 services and products.

29           (e) Each public agency shall notify the state library

1 distribution and data access center established under AS 14.56.090 of  
2 the electronic services and products offered by the public agency to  
3 the public under this section. The notification must include a sum-  
4 mary of the available format options and the fees charged.

5 (f) When offering on-line access to an electronic file or data  
6 base, a public agency also shall provide without charge on-line access  
7 to the electronic file or data base through one or more public ter-  
8 minals.

9 (g) Each public agency shall establish the fees for the elec-  
10 tronic services and products provided under this section. The Tele-  
11 communications Information Council may cancel the fees established by  
12 a public agency in the executive branch, including the Alaska State  
13 Housing Authority, but not including the University of Alaska and the  
14 Alaska Railroad Corporation, if the council determines that the fees  
15 are unreasonably high.

16 (h) A public agency may not make electronic services and prod-  
17 ucts available to one member of the public and withhold them from  
18 other members of the public.

19 (i) A public agency other than a municipality or the Alaska  
20 Railroad Corporation shall separately account for the fees received by  
21 the agency under this section and deposited in the general fund. The  
22 annual estimated balance in the account may be used by the legislature  
23 to make appropriations to the agency to carry out the activities of  
24 the agency.

25 \* Sec. 5. AS 09.25.120 is amended to read:

26 Sec. 09.25.120. INSPECTION AND COPYING OF PUBLIC RECORDS. Every  
27 person has a right to inspect a public [WRITING OR] record in the  
28 state, including public [WRITINGS AND] records in recorders' offices  
29 except (1) records of vital statistics and adoption proceedings which

1 shall be treated in the manner required by AS 18.50; (2) records  
2 pertaining to juveniles; (3) medical and related public health re-  
3 cords; (4) records required to be kept confidential by a federal law  
4 or regulation or by state law; (5) to the extent the records are  
5 required to be kept confidential under 20 U.S.C. 1232g and the regu-  
6 lations adopted under 20 U.S.C. 1232g in order to secure or retain  
7 federal assistance; (6) records or information compiled for law en-  
8 forcement purposes, but only to the extent that the production of the  
9 law enforcement records or information (A) could reasonably be ex-  
10 pected to interfere with enforcement proceedings, (B) would deprive a  
11 person of a right to a fair trial or an impartial adjudication, (C)  
12 could reasonably be expected to constitute an unwarranted invasion of  
13 the personal privacy of a suspect, defendant, victim, or witness, (D)  
14 could reasonably be expected to disclose the identity of a confiden-  
15 tial source, (E) would disclose confidential techniques and procedures  
16 for law enforcement investigations or prosecutions, (F) would disclose  
17 guidelines for law enforcement investigations or prosecutions if the  
18 disclosure could reasonably be expected to risk circumvention of the  
19 law, or (G) could reasonably be expected to endanger the life or  
20 physical safety of an individual. Every public officer having the  
21 custody of records not included in the exceptions shall permit the  
22 inspection, and give on demand and on payment of the [LEGAL] fees  
23 under AS 09.25.110 - 09.25.115 [THEREFOR] a certified copy of the  
24 [WRITING OR] record, and the copy shall in all cases be evidence of  
25 the original. Recorders shall permit memoranda, transcripts, and  
26 copies of the public [WRITINGS AND] records in their offices to be  
27 made by photography or otherwise for the purpose of examining titles  
28 to real estate described in the public [WRITINGS AND] records, making  
29 abstracts of title or guaranteeing or insuring the titles of the real

1 estate, or building and maintaining title and abstract plants; and  
2 shall furnish proper and reasonable facilities to persons having  
3 lawful occasion for access to the public [WRITINGS AND] records for  
4 those purposes, subject to reasonable rules and regulations, in con-  
5 formity to the direction of the court, as are necessary for the pro-  
6 tection of the [WRITINGS AND] records and to prevent interference with  
7 the regular discharge of the duties of the recorders and their employ-  
8 ees.

9 \* Sec. 6. AS 09.25 is amended by adding new sections to read:

10 Sec. 09.25.122. LITIGATION DISCLOSURE. A public record that is  
11 subject to disclosure and copying under AS 09.25.110 - 09.25.120  
12 remains a public record subject to disclosure and copying even if the  
13 record is used for, included in, or relevant to litigation, including  
14 law enforcement proceedings, involving a public agency, except that  
15 with respect to a person involved in litigation, the records sought  
16 shall be disclosed in accordance with applicable court rules. In this  
17 section, "involved in litigation" means a party to litigation or  
18 representing a party to litigation, including obtaining public records  
19 for the party.

20 Sec. 09.25.123. SUPERVISION AND REGULATION. (a) The Telecommu-  
21 nications Information Council shall supervise and adopt regulations  
22 for the operation and implementation of AS 09.25.110 - 09.25.140 by  
23 public agencies in the executive branch, including the Alaska State  
24 Housing Authority, but not including the Alaska Railroad Corporation.

25 (b) The legislative council shall supervise and adopt procedures  
26 for the operation and implementation of AS 09.25.110 - 09.25.140 by  
27 public agencies in the legislative branch.

28 (c) The administrative director of courts shall supervise and  
29 adopt procedures for the operation and implementation of

1 AS 09.25.110 - 09.25.140 by public agencies in the judicial branch.

2 (d) The Board of Regents of the University of Alaska shall  
3 supervise and adopt procedures for the operation and implementation of  
4 AS 09.25.110 - 09.25.140 by the University of Alaska.

5 (e) The regulations and procedures adopted under this section  
6 must include the establishment of procedures for making an administra-  
7 tive appeal of public agency action that is taken under AS 09.25.110 -  
8 09.25.140.

9 (f) In this section,

10 (1) "action" includes the calculation of a fee, the denial  
11 of a fee reduction or waiver and the denial of a request to inspect or  
12 copy a public record;

13 (2) "public agency" does not include a municipality.

14 Sec. 09.25.124. APPEALS. A person may appeal to the superior  
15 court the final administrative order made by a public agency under  
16 AS 09.25.110 - 09.25.140.

17 \* Sec. 7. AS 09.25.125 is amended to read:

18 Sec. 09.25.125. ENFORCEMENT: INJUNCTIVE RELIEF. A person having  
19 custody or control of a public record who denies, obstructs, or at-  
20 tempts to obstruct, or a person not having custody or control who aids  
21 or abets another person in denying, obstructing, or attempting to  
22 obstruct, the inspection of a public record subject to inspection  
23 under AS 09.25.110 or 09.25.120 may be enjoined by the superior court  
24 from denying, obstructing, or attempting to obstruct, the inspection  
25 of public records subject to inspection under AS 09.25.110 or 09.25.-  
26 120. A person may seek injunctive relief under this section without  
27 exhausting the person's remedies under AS 09.25.123 - 09.25.124.

28 \* Sec. 8. AS 09.25.220 is amended to read:

29 Sec. 09.25.220. DEFINITIONS. In AS 09.25.100 - 09.25.220

1 [AS 09.25.150 - 09.25.220], unless the context otherwise requires,

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

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

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

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

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

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

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

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

24 (2) "news organization" means

25 (A) an individual, partnership, corporation or other  
26 association regularly engaged in the business of

27 (i) publishing a newspaper or other periodical  
28 that reports news events, is issued at regular intervals and  
29 has a general circulation;

1 (ii) providing newsreels or other motion picture  
2 news for public showing; or

3 (iii) broadcasting news to the public by wire,  
4 radio, television or facsimile;

5 (B) a press association or other association of indi-  
6 viduals, partnerships, corporations, or other associations de-  
7 scribed in (A)(i), (ii), or (iii) of this paragraph engaged in  
8 gathering news and disseminating it to its members for publica-  
9 tion;

10 (3) [(2)] "privilege" means the conditional privilege gran-  
11 ted to public officials and reporters to refuse to testify as to a  
12 source of information;

13 (4) [(3)] "public official" means a person elected to a  
14 public office created by the Constitution or laws of this state,  
15 whether executive, legislative, or judicial, and who was holding that  
16 office at the time of the communication for which privilege is claim-  
17 ed;

18 (5) "public agency" means a political subdivision, depart-  
19 ment, institution, board, commission, division, authority, public  
20 corporation, council, committee, or other instrumentality of the state  
21 or a municipality; "public agency" includes the University of Alaska,  
22 the Alaska State Housing Authority, and the Alaska Railroad Corpora-  
23 tion;

24 (6) "public records" means books, papers, files, accounts,  
25 writings, including drafts and memorializations of conversations, and  
26 other items, regardless of format or physical characteristics, that  
27 are developed or received by a public agency, or by a private contrac-  
28 tor for a public agency, and that are preserved for their information-  
29 al value or as evidence of the organization or operation of the public

1 agency; "public records" does not include proprietary software pro-  
2 grams;

3 (7) [(4)] "reporter" means a person regularly engaged in the  
4 business of collecting or writing news for publication, or presenta-  
5 tion to the public, through a news organization; it includes persons  
6 who were reporters at the time of the communication, though not at the  
7 time of the claim of privilege;

8 (8) "Telecommunications Information Council" means the  
9 Telecommunications Information Council established under AS 44.19.502.

10 \* Sec. 9. AS 12.62 is amended by adding a new section to read:

11 Sec. 12.62.031. ACCESS TO CRIME INFORMATION INVOLVING A CANDI-  
12 DATE FOR PUBLIC OFFICE. (a) A member of the public may request from  
13 the Department of Public Safety a record from this state listing each  
14 criminal conviction involving an individual who has filed for public  
15 office in the state. The Department of Public Safety shall first  
16 provide a copy of the conviction record to the candidate. If within  
17 14 days after receiving the record the candidate does not dispute the  
18 accuracy of the record, the department shall release the record to the  
19 person making the request. If within 14 days after receiving the  
20 record the candidate disputes the accuracy of the record, the depart-  
21 ment shall either (1) correct the record as requested by the candi-  
22 date, or (2) notify the candidate that it does not agree with the  
23 requested correction. If a dispute is not resolved within the 14-day  
24 period, the department shall release the record to the person making  
25 the request with the disputed portion marked as disputed and the  
26 candidate's requested correction indicated on the record.

27 (b) The Department of Public Safety may establish by regulation  
28 reasonable fees to cover the costs of researching and reproducing the  
29 conviction record under (a) of this section.

1 \* Sec. 10. AS 14.56.120(b) is amended to read:

2 (b) Each state agency shall notify the center of the creation of  
3 all data published or compiled by or for it at public expense, includ-  
4 ing automated data bases, and provide for its accessibility through  
5 the center [,] unless the data is protected by the constitutional  
6 right to privacy or is of a type stated by law to be confidential or  
7 the agency is otherwise prohibited by law from doing so.

8 \* Sec. 11. AS 18.50.310(f) is amended to read:

9 (f) Notwithstanding the provisions of AS 09.25.120, when 100  
10 years have elapsed after the date of a birth, or 50 years have elapsed  
11 after the date of a death, marriage, divorce, dissolution of marriage,  
12 or annulment, the records of these events in the custody of the state  
13 registrar become public records subject to inspection and copying as  
14 provided in AS 09.25.110 - 09.25.140 [AS 09.25.110 AND AS 09.25.121 -  
15 09.25.125].

16 \* Sec. 12. AS 24.08 is amended by adding a new section to read:

17 Sec. 24.08.105. RECORD OF VOTES. The voting record for each  
18 legislator shall be made available to any person on request. The  
19 Legislative Affairs Agency shall keep voting records compiled annually  
20 under this section on the agency data system and shall distribute  
21 copies to all legislative information offices for a fee established  
22 under AS 09.25.115.

23 \* Sec. 13. AS 29.10.200 is amended by adding a new paragraph to read:

24 (51) AS 29.20.650 (personnel records).

25 \* Sec. 14. AS 29.20 is amended by adding a new section to read:

26 Sec. 29.20.650. PERSONNEL RECORDS. (a) The personnel records  
27 of a municipality are presumptively confidential but are open to  
28 public inspection

29 (1) as provided in (b) of this section; or

1           (2) when disclosure of the records would not constitute an  
2 unwarranted invasion of an employee's right of privacy.

3           (b) The following information about the employees of a munic-  
4 ipality is available for public inspection, subject to reasonable  
5 requirements on the time and manner of inspection:

6           (1) the names and position titles of all employees of the  
7 municipality;

8           (2) resumes and applications;

9           (3) the position held by an employee;

10          (4) prior positions held by an employee;

11          (5) the dates of appointment and separation of an employee;

12 and

13          (6) the compensation actually paid an employee, and the  
14 compensation authorized for any position.

15          (c) An employee of a municipality has the right to examine the  
16 employee's own personnel files and may authorize others to examine  
17 those files.

18          (d) This section applies to home rule and general law municipal-  
19 ities.

20 \* Sec. 15. AS 29.71 is amended by adding a new section to read:

21           Sec. 29.71.060. COPYRIGHTS. A municipality may hold the copy-  
22 right for software created by the municipality or developed by a  
23 contractor for the municipality, and may enforce its rights to protect  
24 the copyright.

25 \* Sec. 16. AS 40.21.030(a) is amended to read:

26           (a) In order to carry out the archival program, the state archi-  
27 vist shall:

28           (1) negotiate for, acquire, and receive public records of  
29 permanent value including public records of the state and political

- 1 subdivisions of the state and of defunct public agencies;
- 2 (2) establish and operate a state archival depository that  
3 [WHICH] shall provide for the preservation, arrangement, repair,  
4 rehabilitation, duplication, reproduction, description, and exhibition  
5 of permanent public records or other documentary material transferred  
6 to, or acquired by the state archivist;
- 7 (3) review and approve all agency records retention sched-  
8 ules to identify and to ensure the preservation of those records  
9 having permanent value;
- 10 (4) make permanent records under the supervision of the  
11 archivist, other than those required by AS 09.25.120 to be kept confi-  
12 dential, available for public use at reasonable times;
- 13 (5) for a fee established under AS 09.25.110 - 09.25.115,  
14 make available to any person [FOR A REASONABLE FEE] copies of archival  
15 material under AS 09.25.120;
- 16 (6) adopt a seal for official use and for certification of  
17 record copies which copies shall have the same force and effect as if  
18 made by the original custodian of the records;
- 19 (7) negotiate payment for the acquisition of public records  
20 with the possessor of them;
- 21 (8) if negotiations under (7) of this subsection are unsuc-  
22 cessful or if the person in possession of the public records is un-  
23 willing to enter into those negotiations, arrange with the person in  
24 possession for the microfilming of the records;
- 25 (9) accept gifts, bequests, and endowments for purposes  
26 consistent with the objectives of this chapter;
- 27 (10) prepare inventories, indexes, catalogs, and other  
28 finding aids or guides to facilitate the use of the archives;
- 29 (11) accept documents, including motion picture film, still

1 pictures, and sound recordings, that are appropriate for preservation  
2 by the state as evidence of its organization, functions, policies,  
3 decisions, procedures, and transactions.

4 \* Sec. 17. AS 44.99 is amended by adding new sections to read:

5 ARTICLE 1A. PERSONAL INFORMATION IN PUBLIC RECORDS.

6 Sec. 44.99.020. NOTICE REGARDING PERSONAL INFORMATION. (a)

7 When a state agency requests personal information that may be included  
8 in a public record directly from the person who is the subject of the  
9 information, the agency shall give the person a written notice at the  
10 time of the request that states

11 (1) the name and address of the agency;

12 (2) the citation of the statute or regulation that author-  
13 izes the agency to request the information;

14 (3) a statement indicating whether the person is required  
15 to supply the information;

16 (4) the consequences to the person, if any, of not provid-  
17 ing all or part of the requested information;

18 (5) a statement of the agency's anticipated uses of the  
19 information, including the agency's internal uses of the information  
20 and disclosure of the information to other state agencies;

21 (6) the fact that the information may be subject to in-  
22 spection and copying under AS 09.25.110 - 09.25.120; and

23 (7) a statement summarizing how a person may challenge  
24 under AS 44.99.030 the accuracy or completeness of personal informa-  
25 tion maintained by a state agency.

26 (b) An agency may provide the written notice required under (a)  
27 of this section by

28 (1) placing the notice on the form used to request the  
29 information from the person;

1 (2) giving the person the notice on a separate sheet that  
2 accompanies the form used to request the information from the person;

3 (3) giving the person a statement in a pamphlet, booklet,  
4 manual, or other printed matter at the time the information on the  
5 person is requested; or

6 (4) prominently posting a sign containing the notice in a  
7 prominent location so that the sign can be easily observed and read by  
8 the person at the time the information is requested.

9 (c) This section does not apply to a request for information on  
10 a person if

11 (1) the request is made by a peace officer; in this para-  
12 graph, "peace officer" has the meaning given in AS 01.10.060;

13 (2) the person is the agency's employee;

14 (3) the information is related to litigation;

15 (4) the information is being collected by a public agency  
16 when investigating a possible violation of law; or

17 (5) the information is not subject to inspection and copy-  
18 ing under AS 09.25.110 - 09.25.120, even if the information is even-  
19 tually subject to inspection and copying under AS 18.50.310(f).

20 Sec. 44.99.030. INFORMATION ACCURACY AND COMPLETENESS. (a) A  
21 person who is the subject of personal information that is maintained  
22 by a state agency and subject to public disclosure under AS 09.25.-  
23 110 - 09.25.140 may challenge the accuracy or completeness of the  
24 personal information.

25 (b) To challenge the accuracy or completeness of personal infor-  
26 mation under (a) of this section, the person must file with the state  
27 agency a written request that the personal information be changed.  
28 The request must provide

29 (1) a description of the challenged personal information;

1 (2) the changes necessary to make the personal information  
2 accurate or complete; and

3 (3) the person's name and the address where the department  
4 may contact the person.

5 (c) Within 30 days after receiving a written request made under  
6 (b) of this section, the state agency may request verification of the  
7 disputed personal information from the person who made the request.

8 (d) Within 30 days after receiving the written request under (b)  
9 of this section or the verification under (c) of this section, the  
10 state agency shall review the request and

11 (1) change the personal information according to the re-  
12 quest and notify the person in writing of the change; or

13 (2) deny the request and notify the person in writing of  
14 the reasons for the decision and the name, title, and business address  
15 of the person who denied the request.

16 (e) If a request is denied under (d) of this section, the person  
17 may provide to the state agency a concise written statement that  
18 states the person's reasons for disagreeing with the decision. The  
19 state agency shall maintain in its records the request made under (b)  
20 of this section and the statement provided by the person under this  
21 subsection. On all of the state agency's records that contain the  
22 disputed information, the state agency shall clearly note which por-  
23 tions of the records are disputed. If the record is in electronic  
24 form, the state agency may note the dispute in one field of the elec-  
25 tronic form and maintain the other information about the dispute in  
26 paper form.

27 (f) This section does not apply to criminal intelligence or  
28 criminal investigative records, state agency personnel or retirement  
29 system records, records of applicants for employment with the state

1 agency, or information in documents recorded under AS 40.17.

2 Sec. 44.99.040. DEFINITIONS. In AS 44.99.020 - 44.99.040,

3 (1) "person" means an individual;

4 (2) "personal information" means information that can be  
5 used to identify a person and from which judgments can be made about a  
6 person's character, habits, avocations, finances, occupation, general  
7 reputation, credit, health, or other personal characteristics, but  
8 does not include a person's name, address, or telephone number, if the  
9 number is published in a current telephone directory, or information  
10 describing a public job held by a person;

11 (3) "state agency" means a department, institution, board,  
12 commission, division, authority, public corporation, committee, or  
13 other administrative unit of the executive, judicial, or legislative  
14 branch of state government, including the University of Alaska and the  
15 Alaska State Housing Authority, but not including the Alaska Railroad  
16 Corporation.

17 ARTICLE 1B. COPYRIGHTS BY STATE AGENCIES.

18 Sec. 44.99.050. COPYRIGHTS. A state agency may hold the copy-  
19 right for software created by the agency or developed by a private  
20 contractor for an agency, and may enforce its rights to protect the  
21 copyright. In this section, "state agency" means a department, insti-  
22 tution, board, commission, division, authority, public corporation,  
23 committee, or other administrative unit of the executive, judicial, or  
24 legislative branch of state government, including the University of  
25 Alaska, the Alaska State Housing Authority, and the Alaska Railroad  
26 Corporation.

27 \* Sec. 18. AS 44.99.020, as enacted by sec. 17 of this Act, applies to  
28 requests for personal information made by a state agency on or after the  
29 effective date of this Act.