

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1023
Judiciary II (Criminal) Committee Substitute Adopted 5/16/07
House Committee Substitute Favorable 7/19/07

Short Title: Local SPA Employee Status/UNC Public Records. (Public)

Sponsors:

Referred to:

March 21, 2007

A BILL TO BE ENTITLED

1
2 AN ACT TO CLARIFY THE STATUS OF LOCAL ENTITY EMPLOYEES
3 SUBJECT TO THE STATE PERSONNEL ACT, TO MODIFY THE PUBLIC
4 RECORDS LAWS APPLICABLE TO THE UNIVERSITY OF NORTH
5 CAROLINA AND THE NORTH CAROLINA COMMUNITY COLLEGES, TO
6 PROTECT THE PRIVACY OF APPLICANTS WHO ARE NOT ADMITTED OR
7 WHO DO NOT ENROLL, AND TO PROVIDE THAT CERTAIN AUDIT
8 RECORDS ARE PUBLIC DOCUMENTS.

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** G.S. 126-1.1 reads as rewritten:

11 "**§ 126-1.1. Career State employee defined.**

12 For the purposes of this Chapter, unless the context clearly indicates otherwise,
13 "career State employee" means a State employee or an employee of a local entity who is
14 covered by this Chapter pursuant to G.S. 126-5(a)(2) who:

- 15 (1) Is in a permanent position appointment; and
16 (2) Has been continuously employed by the State of North Carolina or a
17 local entity as provided in G.S. 126-5(a)(2) in a position subject to the
18 State Personnel Act for the immediate 24 preceding months."

19 **SECTION 2.** G.S. 132-1.1 is amended by adding a new subsection to read:

20 "(f) Personally Identifiable Admissions Information. – Records maintained by
21 The University of North Carolina or any constituent institution, or by the Community
22 Colleges System Office or any community college, which contain personally
23 identifiable information from or about an applicant for admission to one or more
24 constituent institutions or to one or more community colleges shall be confidential and
25 shall not be subject to public disclosure pursuant to G.S. 132-6(a). Notwithstanding the
26 preceding sentence, any letter of recommendation or record containing a
27 communication from an elected official to The University of North Carolina, any of its
28 constituent institutions, or to a community college, concerning an applicant for

1 admission who has not enrolled as a student shall be considered a public record subject
2 to disclosure pursuant to G.S. 132-6(a). Nothing in this subsection is intended to limit
3 the disclosure of public records that do not contain personally identifiable information,
4 including aggregated data, guidelines, instructions, summaries, or reports that do not
5 contain personally identifiable information or from which it is feasible to redact any
6 personally identifiable information that the record contains. As used in this subsection,
7 the term "community college" is as defined in G.S. 115D-2(2), the term "constituent
8 institution" is as defined in G.S. 116-2(4), and the term "Community Colleges System
9 Office" is as defined in G.S. 115D-3."

10 **SECTION 3.** G.S. 116-40.7(c) reads as rewritten:

11 "(c) An internal auditor shall maintain, for 10 years, a complete file of all audit
12 reports and reports of other examinations, investigations, surveys, and reviews issued
13 under the internal auditor's authority. Audit work papers and other evidence and related
14 supportive material directly pertaining to the work of that auditor's office shall be
15 retained in accordance with Chapter 132 of the General Statutes. To promote
16 cooperation and avoid unnecessary duplication of audit effort, audit work papers related
17 to issued audit reports shall be, unless otherwise prohibited by law, made available for
18 inspection by duly authorized representatives of the State and federal governments in
19 connection with some matter officially before them. Except as otherwise provided in
20 this subsection, or upon subpoena issued by a duly authorized court or court official,
21 audit work papers shall be kept confidential and shall not be open to examination or
22 inspection under ~~G.S. 132-6.~~ G.S. 132-6 until completion of the audit report that is
23 based on the working paper. Audit reports and the working papers on which they are
24 based shall be public records subject to examination and inspection to the extent that
25 they do not include information that, under State laws, law, is confidential and exempt
26 from Chapter 132 of the General Statutes or would compromise the security systems of
27 The University of North Carolina. At the time that audit working papers are made
28 available for public examination or inspection, the custodian of the audit working paper
29 may redact the name and personally identifying information of a person who has
30 initiated an allegation of (i) a violation of State or federal law or rule or regulation; (ii)
31 fraud; (iii) misappropriation of State resources; (iv) substantial and specific danger to
32 the public health and safety; or (v) gross mismanagement, gross waste of monies, or
33 gross abuse of authority, if that person requests that the person's name and personally
34 identifying information be kept confidential."

35 **SECTION 4.** This act is effective when it becomes law, and Sections 2 and
36 3 apply to public records existing before, on, or after that date.