

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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**SENATE BILL 543*
Judiciary II (Criminal) Committee Substitute Adopted 4/10/07**

Short Title: UNC Public Records Amendments.-AB

(Public)

Sponsors:

Referred to:

March 7, 2007

A BILL TO BE ENTITLED

1
2 AN ACT MODIFYING THE PUBLIC RECORDS LAWS APPLICABLE TO THE
3 UNIVERSITY OF NORTH CAROLINA AND THE NORTH CAROLINA
4 COMMUNITY COLLEGES, TO PROTECT THE PRIVACY OF APPLICANTS
5 WHO ARE NOT ADMITTED OR WHO DO NOT ENROLL, AND TO PROVIDE
6 THAT CERTAIN AUDIT RECORDS ARE PUBLIC DOCUMENTS.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 132-1.1 is amended by adding a new subsection to read:

9 "(f) Personally Identifiable Admissions Information. – Records maintained by
10 The University of North Carolina or any constituent institution, or by the Community
11 Colleges System Office or any community college, which contain personally
12 identifiable information from or about an applicant for admission to one or more
13 constituent institutions or to one or more community colleges shall be confidential and
14 shall not be subject to public disclosure pursuant to G.S. 132-6(a). Notwithstanding the
15 preceding sentence, any letter of recommendation or record containing a
16 communication from an elected official to the University of North Carolina, any of its
17 constituent institutions, or to a community college, concerning an applicant for
18 admission who has not enrolled as a student shall be considered a public record subject
19 to disclosure pursuant to G.S. 132-6(a). Nothing in this subsection is intended to limit
20 the disclosure of public records that do not contain personally identifiable information
21 including aggregated data, guidelines, instructions, summaries, or reports that do not
22 contain personally identifiable information or from which it is feasible to redact any
23 personally identifiable information that the record contains. As used in this subsection,
24 the term "community college" is as defined in G.S. 115D-2(2), the term "constituent
25 institution" is as defined in G.S. 116-2(4), and the term "Community Colleges System
26 Office" is as defined in G.S. 115D-3."

27 **SECTION 2.** G.S. 116-40.7(c) reads as rewritten:

28 "(c) An internal auditor shall maintain, for 10 years, a complete file of all audit
29 reports and reports of other examinations, investigations, surveys, and reviews issued

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

23 **SECTION 3.** This act is effective when it becomes law and applies to public
24 records existing before, on, or after that date.