

1 fabricate, produce or compound an article or trade or a service or
2 to locate minerals or other substances, having commercial value,
3 and which gives its users an opportunity to obtain business
4 advantage over competitors;

5 (2) Information of a personal nature such as that kept in a
6 personal, medical or similar file, if the public disclosure thereof
7 would constitute an unreasonable invasion of privacy, unless the
8 public interest by clear and convincing evidence requires
9 disclosure in the particular instance: *Provided*, That nothing in
10 this article shall be construed as precluding an individual from
11 inspecting or copying his or her own personal, medical or similar
12 file;

13 (3) Test questions, scoring keys and other examination data
14 used to administer a licensing examination, examination for
15 employment or academic examination;

16 (4) Records of law-enforcement agencies that deal with the
17 detection and investigation of crime and the internal records and
18 notations of such law-enforcement agencies which are maintained for
19 internal use in matters relating to law enforcement;

20 (5) Information specifically exempted from disclosure by
21 statute;

22 (6) Records, archives, documents or manuscripts describing the
23 location of undeveloped historic, prehistoric, archaeological,
24 paleontological and battlefield sites or constituting gifts to any

1 public body upon which the donor has attached restrictions on usage
2 or the handling of which could irreparably damage such record,
3 archive, document or manuscript;

4 (7) Information contained in or related to examination,
5 operating or condition reports prepared by, or on behalf of, or for
6 the use of any agency responsible for the regulation or supervision
7 of financial institutions, except those reports which are by law
8 required to be published in newspapers;

9 (8) Internal memoranda or letters received or prepared by any
10 public body;

11 (9) Records assembled, prepared or maintained to prevent,
12 mitigate or respond to terrorist acts or the threat of terrorist
13 acts, the public disclosure of which threaten the public safety or
14 the public health;

15 (10) Those portions of records containing specific or unique
16 vulnerability assessments or specific or unique response plans,
17 data, databases and inventories of goods or materials collected or
18 assembled to respond to terrorist acts; and communication codes or
19 deployment plans of law enforcement or emergency response
20 personnel;

21 (11) Specific intelligence information and specific
22 investigative records dealing with terrorist acts or the threat of
23 a terrorist act shared by and between federal and international
24 law-enforcement agencies, state and local law enforcement and other

1 agencies within the Department of Military Affairs and Public
2 Safety;

3 (12) National security records classified under federal
4 executive order and not subject to public disclosure under federal
5 law that are shared by federal agencies and other records related
6 to national security briefings to assist state and local government
7 with domestic preparedness for acts of terrorism;

8 (13) Computing, telecommunications and network security
9 records, passwords, security codes or programs used to respond to
10 or plan against acts of terrorism which may be the subject of a
11 terrorist act;

12 (14) Security or disaster recovery plans, risk assessments,
13 tests or the results of those tests;

14 (15) Architectural or infrastructure designs, maps or other
15 records that show the location or layout of the facilities where
16 computing, telecommunications or network infrastructure used to
17 plan against or respond to terrorism are located or planned to be
18 located;

19 (16) Codes for facility security systems; or codes for secure
20 applications for such facilities referred to in subdivision (15) of
21 this subsection;

22 (17) Specific engineering plans and descriptions of existing
23 public utility plants and equipment;

24 (18) Customer proprietary network information of other

1 telecommunications carriers, equipment manufacturers and individual
2 customers, consistent with 47 U.S.C. §222; ~~and~~

3 (19) Records of the Division of Corrections, Regional Jail
4 Authority and the Division of Juvenile Services relating to design
5 of corrections, jail and detention facilities owned or operated by
6 the agency, and the policy directives and operational procedures of
7 personnel relating to the safe and secure management of inmates or
8 residents, that if released, could be utilized by an inmate or
9 resident to escape a facility, or to cause injury to another
10 inmate, resident or to facility personnel; and

11 (20) The names of family members and personal physical
12 addresses, mailing addresses, telephones numbers and email
13 addresses of law-enforcement officers.

14 (b) As used in subdivisions (9) through (16), inclusive,
15 subsection (a) of this section, the term "terrorist act" means an
16 act that is likely to result in serious bodily injury or damage to
17 property or the environment and is intended to:

18 (1) Intimidate or coerce the civilian population;

19 (2) Influence the policy of a branch or level of government by
20 intimidation or coercion;

21 (3) Affect the conduct of a branch or level of government by
22 intimidation or coercion; or

23 (4) Retaliate against a branch or level of government for a
24 policy or conduct of the government.

1 (c) Nothing in the provisions of subdivisions (9) through
2 (16), inclusive, subsection (a) of this section should be construed
3 to make subject to the provisions of this chapter any evidence of
4 an immediate threat to public health or safety unrelated to a
5 terrorist act or the threat thereof which comes to the attention of
6 a public entity in the course of conducting a vulnerability
7 assessment response or similar activity.

NOTE: The purpose of this bill is to add law-enforcement officers' personal information to the list of FOIA exemptions.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.