



VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

COMMONWEALTH OF VIRGINIA

Senator R. Edward Houck, Chair
Delegate Salvatore R. Iaquinto, Vice-Chair

Maria J.K. Everett, Esq., Executive Director
Alan Gernhardt, Esq., Staff Attorney
foiacouncil@dls.virginia.gov

General Assembly Building ~ 910 Capitol Street, Second Floor ~ Richmond, Virginia 23219
804-225-3056 ~ (Toll Free) 1-866-448-4100 ~ (Fax) 804-371-0169 ~ <http://foiacouncil.virginia.gov>

Personnel Records Subcommittee

Meeting Summary

October 4, 2011

Richmond, VA

The Personnel Records Subcommittee¹ (the Subcommittee) held its second meeting to continue its deliberations about the right of access to the salary of public employees. Chairman Jones recapped the discussions held at the first meeting. Specifically, that the Subcommittee was not in favor of recommending SB 812 (Martin, 2011) to the FOIA Council, but was interested in other states' approaches. At today's meeting, the Subcommittee was briefed by staff concerning (i) how other state address disclosure of salary and other information concerning public employees, officials, and officers and (ii) the legislative history of § 2.2-3705.8, including any discernable legislative intent relating to the \$10,000 threshold under which public employees' salaries are not required to be released. The Subcommittee also received public comment on access to the salary of public employees.

Essentially, Virginia is one of only three states that have any restriction on the right of access to the salaries of public employees. In addition to Virginia, where salary information for employees making more than \$10,000 per year is public information, Hawaii and South Carolina restrict public access to employee gross salary information. The restrictions found in the laws of Hawaii and South Carolina are more stringent than applicable provisions in Virginia law. Hawaii does not disclose exact salaries of any civil service employees, but discloses only the range of salaries that are authorized for the position the employee holds. The salaries and other contract terms of non-civil service employees are public information. South Carolina follows a three-tiered system that takes into account the annual salary of the employee and his or her full-time status. Attached as Appendix A is a state-by-state comparison; Appendix B is a summary of the state-by-state research; and Appendix C is a more detailed state-by-state comparison. The Council is indebted to the Virginia Coalition for Open Government for its work in compiling the state-by-state research and presenting the results of this research.

¹ All Subcommittee members were present, namely Ed Jones, Kathleen Dooley, and Frosty Landon.

Legislative history of § 2.2-3705.8

Staff detailed the legislative history of § 2.2-3705.8, which revealed this FOIA provision was added in 1978, a full 10 years after FOIA was first enacted. The following is a summary of the relevant legislative history.

- **1978 Acts of Assembly, Chapter 810 (SB 67, Senator Mitchell)**--Added to then § 2.1-342 (now 2.2-3705.8) the following:
"(c) Neither any provision of this chapter nor any provision of Chapter 26 of this title shall be construed as denying public access to records of the position, job classification, official salary or rate of pay of, and to records of the allowances or reimbursements for expenses paid to any public officer, officials or employee at any level of State, local or regional government in this Commonwealth whatsoever; provided, however, that the provisions of this subsection shall not apply to records of the official salaries or rates of pay of public employees whose annual rate of pay is ten thousand dollars or less."
[NOTE: this same subsection was added to the former Privacy Protection Act of 1976 (now the Government Data Collection and Dissemination Practices Act (2.2-3800 et seq.))]
- **1986 Acts of Assembly, Chapter 291 (SB 19, Senator Colgan)**--amended the above as follows:
" Neither any provision of this chapter nor any provision of Chapter 26 of this title shall be construed as denying public access *to contracts between a public official and a public body, other than contracts settling public employee employment disputes held confidential as personnel records under paragraph (3) of subsection (b) of this section, or* to records of the position, job classification, official salary or rate of pay of, and to records of the allowances or reimbursements for expenses paid to any public officer, officials or employee at any level of State, local or regional government in this Commonwealth whatsoever; provided, however, that the provisions of this subsection shall not apply to records of the official salaries or rates of pay of public employees whose annual rate of pay is ten thousand dollars or less." (Emphasis added)

Available legislative intent with regard to the \$10,000 threshold.

Staff contacted legislators and staff who served in 1978 for information relating to the legislative intent of the \$10,000 threshold. Unfortunately none had a recollection of the discussion at the time. Neither was any such discussion revealed in any reports of any joint subcommittees established by the General Assembly to study FOIA, with one exception. The report of the 1998-2000 joint subcommittee studying FOIA considered the \$10,000 threshold in terms of what its current value in 1999 would be. Research at that time revealed that in 1999 dollars, \$10,000 would equate to \$27,500. The joint subcommittee did not, however, recommend increasing the \$10,000 threshold.

As noted above, the \$10,000 threshold was enacted as part of Chapter 810 of the 1978 Acts of Assembly (SB 67, Senator Mitchell). As introduced, SB 67 did not contain the \$10,000. Neither did SB 67 as engrossed. (Engrossed is the version of a bill as it goes to the other chamber for consideration.) Therefore it appears that the \$10,000 threshold was added by the House of Delegates and later agreed to by the Senate and signed into law by the Governor.

Other authority (OAG and FOIA Council opinions)

A. OAG Opinions

In 1978, the OAG issued an opinion to Frank Hereford, President of the University of Virginia on the issue of whether Chapter 810 of the 1978 Acts of Assembly require public disclosure of job classification, salary and expense reimbursement records of employees of at any level of state, local or regional government is applicable to officials and employees of the University of Virginia. General Coleman opined that:

"The Freedom of Information Act (the "Act") requires that the official records of all public bodies, State governmental agencies and institutions shall be open to public inspection, except as otherwise specifically provided by law. See 2.1-341(a) and 2.1-341(c).¹ The records disclosure requirements have consistently been interpreted to apply to the records of State-supported colleges and universities. See Opinion to the Honorable Thomas A. Graves, dated December 3, 1973, and found in Report of the Attorney General (1973-1974) at 454, 455; Opinion to the Honorable Lewis P. Fickett, Jr., dated July 24, 1975, and found in Report of the Attorney General (1975-1976) at 416, 417. This interpretation is confirmed by certain provisions of the Act, for example 2.1-342(b)(4), which provides a specific exemption from disclosure requirements for the records of the president of a State-supported university.

Prior to the enactment of Ch. 810 [1978] Acts of Assembly, records of salaries of university officials and employees were exempt from public disclosure under the provisions of 2.1-342(b)(3) which exempts "personnel records" from required disclosure. See Fickett Opinion, supra. The "personnel records" exemption has been interpreted to apply similarly to salaries of employees of other public bodies, for example, county employees. See Opinion to the Honorable Jerry K. Enrich, dated January 12, 1978 ...

Chapter 810 [1978] Acts of Assembly, effective July 1, 1978, takes away the disclosure exemption for certain personnel records, including "records of the position, job classification, official salary or rate of pay...and...reimbursements for expenses paid to any public officer, official or employee at any level of State, local or regional government in this Commonwealth whatsoever" I find nothing in the provisions of Ch. 810 which indicates that its application to employees of State "government" was intended to apply to fewer agencies than the public bodies subject to the Act. Accordingly, I am of the opinion that an employee of the University of Virginia is an employee of State government so that his salary is subject to disclosure under the Act.

I, therefore, conclude that the records of the position, job classification, salary or rate of pay and expense reimbursements paid to officials and employees of the University of Virginia are subject to required disclosure as provided in the Act, as amended by Ch. 810 [1978] Acts of Assembly, effective July 1, 1978. "

Also in 1978, the OAG issued an opinion to Frank Harris, Commonwealth Attorney for Mecklenburg County on the issue of whether FOIA requires the disclosure of the names and salaries of all county employees earning more than \$10,000. General Coleman opined that:

"Prior to its amendment by Ch. 810, the Freedom of Information Act (the "Act") had been interpreted as not requiring the disclosure of salary records of individually named public employees. See Reports of the Attorney General (1973-1974) at 454 and (1975-1976) at 416. The Act had never been interpreted to exempt from required disclosure records of the salary or salary range assigned to a public job or position, as distinguished from the salary of a named employee or official holding such position. Thus, Ch. 810 obviously requires disclosure of more than salary ranges. The amendment modifies the Freedom of Information and Privacy Acts to require disclosure of salary records of named individuals, previously exempt from disclosure under the personnel records exemption.

I, therefore, conclude that the county administrator is required by the Act to disclose, upon proper request, the names and salaries of county employees who earn more than \$ 10,000 annually."

In 1987, the OAG issued an opinion to Charles Stubblefield, Commissioner of the Revenue for Gloucester County on the issue of whether a newspaper or public bulletin is authorized to print a State or county employee's name and salary. General Terry opined that:

"I. Prior Opinions Interpret Disclosure Provisions of Statute

The disclosure of public records is governed by the Virginia Freedom of Information Act (the "Act"), 2.1-340 through 2.1-346.1 of the Code of Virginia. Prior Opinions of this Office interpret 2.1-342(c) to require, among other things, the disclosure of records of the position, job classification, official salary or rate of pay of public officials or employees whose annual salary exceeds \$ 10,000. See, e.g., Att'y Gen. Ann. Rep.: 1982-1983 at 708, 709, and at 731; 1980-1981 at 394.

It is the express policy of the Act "to ensure the people of this Commonwealth ready access to records in the custody of public officials" and to recognize "that the affairs of government are not intended to be conducted in an atmosphere of secrecy since at all times the public is to be the beneficiary of any action taken at any level of government." Section 2.1-340.1.

II. Printing Name and Salary Information Permitted; Disclosure of Salary Information Limited

I am in agreement with the conclusions of these prior Opinions. I am of the opinion, therefore, that a newspaper or public bulletin is authorized to print a State or county employee's name and salary. ¹ A State or local government employee's annual salary is not subject to disclosure under the Act, however, unless it is in excess of \$ 10,000."

B. FOIA Council Opinions

There have been several FOIA Council opinions (AO-28-01, AO-01-02, AO-04-04, and AO-01-09) which have held that the names and the specific salary of public employees making over \$10,000 is subject to the mandatory disclosure requirements of FOIA.

AO-28-01--Information concerning the name, position, and salaries of employees, however, is a matter of public record and may not be withheld.

AO-01-02--A public body must release the names of current public employees and salary information under FOIA. FOIA does not require, however, the release of records related to the retirement of specific public employees which may properly be withheld as personnel records.

AO-04-04--FOIA requires a public body to make available salary records of public employees; however, FOIA does not require a public body to create a spreadsheet or list out of these records, and cannot charge a requester to create such spreadsheets or lists unless the public body reaches an agreement with the requester prior to the creation of the record.

AO-01-09--While personnel records concerning identifiable employees may generally be withheld from disclosure pursuant to subdivision 1 of § 2.2-3705.1, subsection A of § 2.2-3705.8 provides that certain records must be disclosed upon request, including *records of the position, job classification, official salary or rate of pay [if greater than \$10,000 per year] of, and records of the allowances or reimbursements for expenses paid to any officer, official or employee of a public body.* Prior opinions of this office and the Attorney General have interpreted this section to include the requirement that names of individual employees be released upon request along with salary, job classification and other information required to be released.⁵

Public Comment

Jim Roberts, a retired state employee, who currently represents that Virginia Governmental Employees Association, advised the Subcommittee that at its 2011 annual meeting, the Association was very concerned about the disclosure of salary information tied to specific employees and its negative impact when such information is published by newspapers and posted in their online publications. Mr. Roberts likened such publication to the publication of social security numbers and concluded it provides an opportunity for identity theft. In addition, such disclosures result in morale problems and personnel management problems. He suggested that disclosure of the name of specific public employees coupled with a salary range within \$3,000 would be preferable. Subcommittee members questioned Mr. Roberts about the benefit to public employees to have access to salary inequities between them and other like situated employees. Likewise, disclosure of name and salary information would shed light on situations where certain officials receive high salaries while others are losing their jobs. As evidence of the benefit to both public employees and the public, the Subcommittee pointed to the current situation where the sheriff for the City of Richmond put several family members on the public payroll. Mr. Roberts responded that the objection was the required disclosure of a public employee's name in connection with his salary. In rebuttal, the Subcommittee inquired whether in smaller agencies, the identity of specific employees could be discovered by connecting the salary to the position held, even without the disclosure of names.

Megan Rhyne, executive director, Virginia Coalition for Open Government, advised the Subcommittee that she agrees with Mr. Roberts that there can be morale problems, but noted that closing down access does not help inequitable situations. Ms. Rhyne noted that an overwhelming majority of states require the disclosure of name and salary information. She added that many states are going online with name and salary information. Further, divorcing the name from the salary is not practical because a requester can request the salary of a specifically named employee and such information would have to be provided. She noted that logistically it would be more difficult to ascertain salary information doing it one named employee at a time.

Ginger Stanley, executive director, the Virginia Press Association, told the Subcommittee that the Association liked the law in its current form. She noted that the 1988-1989 and the 1998-2000 joint subcommittees both rewrote FOIA and in neither event was the \$10,000 threshold changed.

Subcommittee Discussion

The Subcommittee considered the state-by-state research and the comments made, noting that all of this information was helpful to its deliberations. The task of the Subcommittee was to give advice back to the General Assembly via the FOIA Council on the issue of disclosure of salary information. The Subcommittee agreed

that there was a strong public interest in being transparent vis-a-vis disclosure of public officials' and employees' salaries given that this is a large part of state and local governments' budgets. It allows instances of nepotism and inequity to be exposed. The balance to be achieved is the public interest in access versus the privacy interest of public employees (as expressed in the \$10,000 threshold). In 1978 the balance point was set at \$10,000, which did reflect the upper echelon of public employees given salaries earned in 1978. The Subcommittee felt that there was value in connecting names to salary. The question that remained was whether the \$10,000 threshold should be increased, and if so, where was the appropriate balance point. The Subcommittee took to heart the potential for bad morale, individual embarrassment, and concern for identity theft, but was felt equally strong that transparency is an important part of getting to equity. In light of other states' law, current Virginia law is more restrictive than the vast majority of states. Current Virginia law requires a default to transparency in order to police public expenditures. There was no desire by the Subcommittee to go to the purpose for the request. It is clear that the 1978 balance point (e.g. the \$10,000 threshold) is not valid today especially as we are living in an age where information about the operation of government is a high priority and demand to know how taxpayer dollars are being spent is as high as it has ever been. If the \$10,000 threshold is increased, it is tantamount to telling taxpayers that a large percentage of public employee salaries are now going behind a curtain. Subcommittee member Kathleen Dooley noted that with minimum wage laws, essentially no full time employee makes less than \$10,000 per year.

Ms. Dooley suggested increasing the \$10,000 threshold and for those employees that fall below that threshold, their names, positions and a salary range would be public. For persons above the threshold, their names, position and actual salary would be public. There was consensus among the Subcommittee that given the discussion, further deliberations were necessary.

Staff advised the Subcommittee of a related issue that has been brought to staff's attention several times in the last several years. Staff noted that this issue may not need legislative solution, but that it is something of which to be aware. In instances where public employees are also victims of domestic abuse, participate in the Attorney General's address confidentiality program, or have protective orders, the release of the names of this vulnerable, albeit limited, segment of public employees' has revealed their work location, and in one instance led to the murder of the public employee. In such instances, it would appear an obligation of the victim to notify his/her public employer.

The next meeting of the Subcommittee was scheduled for Tuesday, November 8, 2011 in Fredericksburg, Virginia, in the Council Chambers of Fredericksburg City Hall at 1:30 p.m. Staff will attempt to set up an audio feed in the General Assembly Building to broadcast the Subcommittee from Fredericksburg.

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Appendix A

STATE-BY-STATE LAWS REGARDING DISCLOSURE OF PUBLIC EMPLOYEE SALARIES**

| | Disclosable? | Threshold | Specific Exceptions |
|-----------------------------|---------------------|------------------|--|
| Alabama | Yes | None | |
| Alaska | Yes | None | |
| Arizona | Yes | None | Tax withholding information |
| Arkansas | Yes | None | Tax withholding information |
| California | Yes | None | Only court decision dealt with salaries over \$100,000 |
| Colorado | Yes | None | Personnel file if necessary to protect privacy |
| Connecticut | Yes | None | Personnel file if necessary to protect privacy |
| District of Columbia | Yes | None | If release is not in the public interest |
| Delaware | Yes | None | |
| Florida | Yes | None | |
| Georgia | Yes | None | Only court decision dealt with salaries over \$28,000 |
| Hawaii | No | None | Civil service employee salaries are not public, only salary ranges |
| Idaho | Yes | None | Tax withholding information |
| Illinois | Yes | None | |
| Indiana | Yes | None | |
| Iowa | Yes | None | |
| Kansas | Yes | None | Accrued vacation and sick leave |
| Kentucky | Yes | None | |
| Louisiana | Yes | None | Tax withholding information |
| Maine | Yes | None | |
| Maryland | Yes | None | |
| Massachusetts | Yes | None | |
| Michigan | Yes | None | If necessary to protect privacy |
| Minnesota | Yes | None | Undercover law enforcement, corrections officers |
| Mississippi | Yes | None | Tax withholding information |
| Missouri | Yes | None | |
| Montana | Yes | None | |
| Nebraska | Yes | None | |
| Nevada | Yes | None | |
| New Hampshire | Yes | None | |
| New Jersey | Yes | None | |
| New Mexico | Yes | None | |
| New York | Yes | None | |
| North Carolina | Yes | None | |
| North Dakota | Yes | None | Tax withholding information |
| Ohio | Yes | None | Tax withholding information |
| Oklahoma | Yes | None | Tax withholding information |
| Oregon | Yes | None | |
| Pennsylvania | Yes | None | |
| Rhode Island | Yes | None | |
| South Carolina | Partially | \$50,000 | Below \$50,000, salary ranges but not specific salaries are public |
| South Dakota | Yes | None | |
| Tennessee | Yes | None | Payroll records of public contractors |

| | Disclosable? | Threshold | Specific Exceptions |
|----------------------|---------------------|------------------|--|
| Texas | Yes | None | |
| Utah | Yes | None | |
| Vermont | Yes | None | |
| Virginia | Partially | \$10,000 | Below \$10,000, salary information is not public |
| Washington | Yes | None | |
| West Virginia | Yes | None | |
| Wisconsin | Yes | None | |
| Wyoming | Yes | None | |

**Source: Virginia Coalition for Open Government

APPENDIX B

STATE LAWS REGARDING DISCLOSURE OF PUBLIC EMPLOYEE SALARIES:

A SUMMARY**

Gross salaries of nearly all public employees are treated as public information in all but a very small number of states. Many states also have exceptions for related but more personal information, such as tax withholding information, bank data, and other personal information from employee personnel files. Employees have not, however, generally been found to have a privacy interest in their gross salary that outweighs the public interest in disclosure of the expenditure of public funds.

In addition to Virginia, which discloses salary information for employees making more than \$10,000 per year, there are two states that limit the disclosure of employee gross salary information. Both states have more stringent limitations on disclosure than Virginia. Hawaii does not disclose exact salaries of any civil service employees, and instead discloses only the range of salaries that are authorized for the position the employee holds. The salaries and other contract terms of non-civil service employees are public information. South Carolina has a three-tiered system, which depends on the annual salary of the employee and his or her full-time status. The salaries of full-time employees making more than \$50,000 per year are public, as are the salaries of all part-time employees. Salaries for employees making less than \$50,000 per

year are reported within a range of \$4,000. Salaries of some employees making less than \$30,000 per year are not public at all and, as in Hawaii, are reported only as the range of allowable salaries for the position.

No other state has limited disclosure of gross salaries below a certain threshold, but several states have exempted classes of public employees or compensation from disclosure. Hawaii exempts undercover police officers from its limited disclosure rules, and Minnesota exempts both undercover police officers and corrections officers. Tennessee exempts the payroll records of public contractors from disclosure, although they must be disclosed to the state government to verify compliance with prevailing wage regulations. And Kansas exempts accrued vacation and sick leave from disclosure.

In general, although there are limitations on disclosure of compensation information in the case of specific concerns about employee privacy or safety, very few states depart from the default rule that all salaries paid to public employees should be public information. And no state has a blanket policy of secrecy with respect to all salary data for public employees.

**Source: Virginia Coalition for Open Government

APPENDIX C

STATE LAWS REGARDING DISCLOSURE OF PUBLIC EMPLOYEE SALARIES: A DETAILED REVIEW**

Alabama: Salary information, name, and job title are public. Op. Att’y Gen. No 96-00003 (Oct. 4, 1995) at *4; Op. Att’y Gen. No. 88-00079 (Dec. 16, 1987) at *3–4.

Alaska: The compensation authorized for a state employee is public information. AS 39.25.080(b)(6). Disclosure of names and salaries together is not a violation of state employees’ rights to privacy. *Int’l Ass’n of Firefighters, Local 1264 v. Municipality of Anchorage*, 973 P.2d 1132, 1136 (Alaska 1999).

Arizona: Salary information about public employees is public. Op. Att’y Gen. No. I84-179. Arizona law requires that public records in the custody of any state officer are open to inspection by any person during office hours. §39-121. There is an exception for social security numbers and payroll deductions not required by law. Op. Att’y Gen. No. I78-241.

Arkansas: Salary information is public. Op. Att’y Gen. No 2002-159. The Arkansas FOIA exempts personnel records “to the extent that disclosure would constitute a clearly unwarranted invasion of personal privacy” ARK. CODE ANN. § 25-19-105(b)(12) (West 2011). But salary information is not considered to fall within that category. Insurance, tax, and payroll deduction information, however, does fall within the exemption and must with excised from otherwise public documents. Op. Att’y Gen. Nos. 2001-139, 2001-112, 2001-101, 98-173, 98-126, 97-189.

California: Salary information is public. *Int’l Fed’n of Prof’l & Technical Eng’rs Local 21 AFL-CIO v. Superior Court*, 165 P.3d 488, 499–500 (Cal. 2007). Note, however, that while the court cast its opinion in general terms, the case before it only involved a party asking for salary information for police officers making over \$100,000 per year.

Colorado: Salary information is public, although some information from personnel files is excluded from disclosure requirements. COLO. REV. STAT. ANN. § 24-72-202(4.5) (West 2011). *Denver Publ’g Co. v. Univ. of Colorado*, 812 P.2d 682, 684 (Colo. App. 1990); *see also Pignanelli v. Pueblo School Dist. No. 60*, 540 F.3d 1213, 1220 (10th Cir. 2008).

Connecticut: Salary information is not specifically excluded, although personnel records are when disclosure “would constitute an invasion of personal privacy.” CONN. GEN. STAT. ANN. § 1-210(b)(2) (West 2011).

Delaware: Salary information and employee names are public. *Gannett Co. v. Christian* No. 82M-DE-26, 1983 WL 473048 (Del. Super. Ct., Aug. 19, 1983); Op. Att’y Gen. 06-IB14, 2006 WL 2355968 (July 12, 2006); Op. Att’y Gen. 11-IB07, 2011 WL 2741859 (Del.A.G.) (July 1, 2011).

District of Columbia: Salary information, along with employee names and titles, is public. D.C. CODE § 2-536(1) (West). But in a 1994 case, a frequent litigant was denied access to the names of police officers because no public interest would be served. *Mike Atrqchi v. Metro Police Dep’t*, FOIA App. No. 94-17 (Office of the Mayor, July 28, 1994).

Florida: Salary information is public. FLA. STAT. § 119.011(12) (2011); Op. Att’y Gen. No. 80-92 (December 2, 1980).

Georgia: Salary information is not excluded, and the Georgia Supreme Court found that a request for salary information for anyone making over \$28,000 per year was permissible. *Richmond Cnty. Hosp. Auth. v. Se. Newspapers Corp.*, 331 S.E.2d 806, 807-08 (Ga. 1984).

Hawaii: Salary ranges authorized for a position, and the name of the person holding the position, is public for civil servants, teachers, university faculty. HAW. REV. STAT. § 92F-12(a)(14) (2011). The salaries and other employment terms of “contract hires” are public. HAW. REV. STAT. § 92F-12(a)(10) (2011). A “contract hires” is an employee excluded from the civil service because the service he or she provides “is special or unique, is essential to the public interest and that, because of circumstances surrounding its fulfillment, personnel to perform such service cannot be obtained through normal civil service recruitment procedures.” Op. Att’y Gen. No. 91-31 (December 30, 1991), 1991 WL 474728 (quoting HAW. REV. STAT. § 76-16(2) (1985)). There is a specific exemption from any disclosure for undercover law enforcement officers. HAW. REV. STAT. § 92F-12(a)(14) (2011).

Idaho: Salary information, salary history, and pay grades are public, but tax withholding information is not. IDAHO CODE ANN. § 9-340C(1) (West 2011). Employee names are subject to disclosure. *Magic Valley Newspapers, Inc. v. Magic Valley Reg’l Med. Ctr.*, 59 P.3d 314, 316 (Idaho 2002).

Illinois: Salary information appears to be public. The definition of “public record” used to include a non-exclusive list of types of

information which were public records, including salaries of public employees. 5 ILL. COMP. STAT. 140/2(c)(viii) (2011). In 2009, the Illinois legislature passed FOIA revisions which, in the course of broadening the definition of public record to include electronic records, eliminated that list. 2009 Ill. Legis. Serv. P.A. 96-542 § 5 (West).

Indiana: Salary, name and job title information are all public. IND. CODE § 5-14-3-4-(b)(8)(A) (2011).

Iowa: Salary information is public. *Clymer v. City of Cedar Rapids*, 601 N.W.2d 42, 48 (Iowa 1999).

Kansas: Salary information is public. KAN. STAT. ANN. 45-221(a)(4) (2011). Accrued vacation and sick leave is not public. Op. Att’y Gen. No. 2010-3 (Feb. 11, 2010), 2010 WL668871.

Kentucky: Salary information is public. Open Records Decision 99-209 (November 18, 1999). Kentucky law provides for an exemption from open records laws for “information of a personal nature” when disclosure would “constitute a clearly unwarranted invasion of personal privacy.” KY. REV. STAT. ANN. 61.878(1)(a) (West 2011). Salary information does not, however, fall into that category. Op. Att’y Gen. 79-469.

Louisiana: Salary information and names are public. Op. Att’y Gen. No. 09-0298, 2010 WL 2071074 (Apr. 5, 2010). Tax withholding information, bank information, and home address and phone number are exempt from disclosure. LA. REV. STAT. ANN. 44:11(A) (2011).

Maine: Salary information is public. *Med. Mut. Ins. Co. of Maine v. Bureau of Ins.*, 2005 ME 12, ¶15, 866 A.2d 117, 122.

Maryland: Salary information is public. MD. CODE ANN., STATE GOV’T § 10-617(f)(1) (West 2011).

Massachusetts: Salary information is public. *Hastings & Sons Publ’g Co. v. City Treasurer of Lynn*, 375 N.E.2d 299, 818 (Mass. 1978).

Michigan: Salary information is public unless it would “constitute a clearly unwarranted invasion of an individual’s privacy. MICH. COMP. LAWS § 15.243(1)(a) (2011). Salary history and employment dates are public. Op. Att’y Gen., No. 6019, p. 507, 1981 WL 153541. Salaries of employees and other officials of school districts and state educational institutions are public, notwithstanding any of the exemptions, including for privacy. MICH. COMP. LAWS § 15.243a (2011).

Minnesota: Salary information is public. MINN. STAT. § 13.43, subd. 2 (2011). Undercover law enforcement officers' salaries are exempt. MINN. STAT. § 13.43, subd. 5 (2011). Information about correctional officers' payroll records is exempt if it could be used to harass them, and if the person requesting disclosure is an inmate or someone believed likely to harass them. MINN. STAT. § 13.43, subd. 5a (2011).

Mississippi: Salary information is public, but tax withholding information is not. *Miss. Dep't of Wildlife, Fisheries & Parks v. Miss. Wildlife Enforcement Officers' Ass'n Inc.*, 97-CA-01386-SCT (¶22), 740 So. 2d 925, 932-33 (Miss. 1999).

Missouri: Salary information is public, as are names, positions, and length of service. MO. REV. STAT. § 610.021(13) (2011).

Montana: Salary information is public. The only exemption from disclosure requirements is for records constitutionally protected from disclosure. MONT. CODE ANN. § 2-6-101(2)(b) (2011).

Nebraska: Salary information, and "routine directory information" is public. NEB. REV. STAT. § 84-712.05(7) (2011).

Nevada: Salary information, names and job titles are public. There is no specific exemption for salaries of public employees, and all records not otherwise declared confidential are public. NEV. REV. STAT. § 239.010(1) (2011).

New Hampshire: Salary information is public. *Mans v. Lebanon Sch. Bd.*, 290 A.2d 866, 867 (N.H. 1972).

New Jersey: Salary information is public, as is name, title, position, payroll record, length of service, date of separation and the reason for separation, and the amount and type of any pension received. N.J. STAT. ANN. 47:1A-10 (West 2011).

New Mexico: Salary information is public. *Sanchez v. Bd. of Regents of E. N.M. Univ.*, 46 P.2d 608, 610 (N.M. 1971) (holding that records of proposed salary offers are not public information, but that "completed contracts would be public records and available to inspection under the provisions of the New Mexico statutes.")

New York: Salary, name, and job title information is public. N.Y. PUB. OFF. LAW § 87(3)(b) (McKinney 2011).

North Carolina: Salary information is public, as is name, age, job title, date of original employment or appointment, the terms of any contract by which the employee is employed, date and amount of each increase or decrease in salary, date and type of each promotion or demotion, and date and type of each suspension. N.C. GEN. STAT. § 126-23 (2011).

North Dakota: Salary information is public, but tax withholding information is private. N.D. CENT. CODE § 44-04-18.1 (2011).

Ohio: Salary information, including name and job title but not tax withholding information, is public. *State ex rel. Petty v. Wurst*, 550 N.E.2d 214, 216–17 (Ohio Ct. App. 1989).

Oklahoma: Salary information is public, but tax withholding information is not. OKLA STAT. tit. 51, § 24A.7(2) (2011).

Oregon: Salary information appears to be public. There is no specific exemption for salary information, and the exemptions for personnel records are narrowly construed. *City of Portland v. Anderson*, 988 P.2d 402, 404 (Or. Ct. App. 1999).

Pennsylvania: Salary information, name, and job title are all public. 65 PA. STAT. ANN. § 67.708(b)(6)(ii) (West 2011).

Rhode Island: Salary and benefits information, name, and job title are all public. R.I. GEN. LAWS § 38-2-2(4)(i)(A)(I) (2011).

South Carolina: Salary information is public for full-time employees making \$50,000 per year or more and all part-time employees. The salaries of employees making more than \$30,000 and less than \$50,000 are publicly reported within a range of \$4000 (\$30-34,000; \$34-38,000; etc.). The salaries of employees making \$30,000 or less are reported within a range of \$4000 (\$2-6,000; \$6-10,000; etc.), unless they are employed in a classified position, in which case the public information is the salary schedule for the job classification and any longevity bonuses applicable within that classification. S.C. CODE ANN. § 30-4-40(a)(6) (2011).

South Dakota: Salary information is public, as are names and job titles. S.D. CODIFIED LAWS § 1-27-1.5(7) (2011). Local government salaries are also public. S.D. CODIFIED LAWS § 6-1-10 (2011).

Tennessee: Salary information is generally public. *Cleveland Newspapers, Inc. v. Bradley Cnty. Mem'l Hosp. Bd. of Dirs.*, 621 S.W.2d 763, 765 (Tenn. Ct. App. 1981). Payroll records submitted by public

contractors in compliance with prevailing wage requirements are not public. TENN. CODE ANN. § 12-4-414 (2011).

Texas: Salary information is public. *Baytown Sun v. City of Mont Belvieu*, 145 S.W.3d 268, 271 n.6 (Tex. App. 2004).

Utah: Salary information, name, and job title are public. UTAH CODE ANN. § 63G-2-301(2)(b) (West 2011).

Vermont: Salary information and name are public. VT. STAT. ANN. tit 1, § 317(b) (2011).

Virginia: Salary information is public for employees making more than \$10,000 per year. For all other employees, salary information is exempt from disclosure. VA. CODE ANN. § 2.2-3705.8(A) (2011).

Washington: Salary and benefit information, and name are public. *Tacoma Pub. Library v. Woessner*, 951 P.2d 357, 365–66 (Wash. Ct. App. 1998).

West Virginia: Salary information is public. *In re Charleston Gazette FOIA Request*, 671 S.E.2d 776, 789 (W. Va. 2008).

Wisconsin: Salary information is public. Op. Att’y Gen. No. 63-143, May 6, 1974.

Wyoming: Salary information is public. WYO. STAT. ANN. § 16-4-203(d)(iii) (2011).

**Source: Virginia Coalition for Open Government