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TO: Public Bodies (as defined by La. R.S. 44:1(A)(1))

FROM: Jeff Landry, Attorney General

DATE: March 25, 2020

RE: Public Records Guidance in light of COVID-19

The following guidance on the Louisiana Public Records Act is to assist public bodies during the current Public Health Emergency.¹

Suspension of Legal Deadlines. The Louisiana Health Emergency Powers Act, La. R.S. 29:706, *et seq.*, confers upon the governor the power to suspend regulatory statutes prescribing procedures for the conducting of state business, as well as orders, rules, or regulations of state agencies, if strict compliance would prevent, hinder, or delay actions necessary to cope with the emergency.² On March 16, 2020, updated March 17, 2020, the governor issued Public Health Emergency Proclamation Number 30 JBE 2020, providing additional measures regarding COVID-19. Section 5 of the proclamation provides for the suspension of all legal deadlines, effective March 17, 2020, until at least Monday, April 13, 2020, unless terminated sooner.³ The suspension includes the legal deadlines contained in Title 44 of the Louisiana Revised Statutes related to the Louisiana Public Records Act.

¹ On March 11, 2020, the Governor of Louisiana issued Proclamation Number 25 JBE 2020 declaring a Public Health Emergency in the State of Louisiana, pursuant to the Louisiana Public Health Emergency Powers Act, La. R.S. 29:706, *et seq.*, effective March 11, 2020 until April 9, 2020, unless terminated sooner.

² La. R.S. 29:766.

³ Note, under existing law, a public records request cannot be so burdensome as to interfere with custodian's legal and constitutional duties. *Stevens v. St. Tammany Par. Gov't*, 2017-0959 (La.App. 1 Cir. 7/18/18), 264 So.3d 456.