

CHAPTER 6
PUBLIC RECORDS

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CHAPTER 6

PUBLIC RECORDS

6.1 Scope of this Chapter. This Chapter presents guidelines for agencies to use in determining which documents are subject to public scrutiny under the Arizona Public Records Law, A.R.S. §§ 39-101 to -161, and discusses the procedure for handling requests for access to public records. It also discusses the preservation and disposition of records.

6.2 Scope of Public Records Requirements.

6.2.1 Arizona's Policy of Public Disclosure. The general policy of this State with respect to public inspection of governmental records is set forth in A.R.S. § 39-121: "Public records and other matters in the custody of any officer shall be open to inspection by any person at all times during office hours." This public records statute seeks to increase public access to government information and to make government agencies accountable to the public. However, some public records are confidential and should not be disclosed to the public. See Section 6.4 *infra*.

6.2.1.1 Defining a Public Record. As a general rule, "all records required to be kept under A.R.S. § 39-121.01(B), are presumed open to the public for inspection as public records." *Carlson v. Pima County*, 141 Ariz. 487, 491, 687 P.2d 1242, 1246 (1984). Section 39-121.01(B) requires that all officers and public bodies maintain records, including records defined in A.R.S. § 41-151.18, that are reasonably necessary to provide an accurate accounting of their official activities and government-funded activities. "Records" are defined in A.R.S. § 41-151.18 as:

all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, including prints or copies of such items produced or reproduced on film or electronic media pursuant to § 41-151.16, made or received by any governmental agency in pursuance of law or in connection with the transaction of public business and preserved or appropriate for preservation by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of data contained in the record, and includes records that are made confidential by statute.

In addition, A.R.S. § 39-121 requires public officers to disclose "other matters." "Other matters subject to the public's right of access include 'documents which are not required by law to be filed as public records. . . .'" *Salt River Pima-Maricopa Indian Cmty. v. Rogers* 168 Ariz. 531, 539, 815 P.2d 900, 908 (1991). "Other matters" include

documents held by the public officer in his or her official capacity and in which the public's interest in disclosure outweighs the governmental interest in confidentiality. *Id.* "Because the language of A.R.S. § 39-121.01.B is so broad, [the Arizona Supreme] Court has abandoned any 'technical distinction' between public records and other matters." *Griffis v. Pinal County*, 215 Ariz. 1, 4 n.5, 156 P.3d 418, 421 n.5 (2007) (quoting *Carlson*, 141 Ariz. at 490, 687 P.2d at 1245). Although most documents in a public officer's possession are public records, documents that relate solely to personal matters and have no relation to official duties are not public records even if a public officer or agency possesses them or uses public funds to create them. *Id.* at 4, ¶ 11, 156 P.3d at 421 (recognizing that e-mails on a county-owned computer system may be purely personal and not subject to disclosure under the Public Records Law).

For examples of documents that have been found to be "public records" and "other matters," see Section 6.3 *infra*. A custodian of public records may be justified in not disclosing some public records (see Section 6.4 *infra*) but this determination does not change their character as a public record.

6.2.1.2 Persons Subject to the Public Records Law. The Public Records Law applies to "any person elected or appointed to hold any elective or appointive office of any public body and any chief administrative officer, head, director, superintendent or chairman of any public body." A.R.S. § 39-121.01(A)(1). Public body is defined as "this state, any county, city, town, school district, political subdivision or tax-supported district in this state, any branch, department, board, bureau, commission, council or committee of the foregoing, and any public organization or agency, supported in whole or in part by monies from this state or any political subdivision of this state, or expending monies provided by this state or any political subdivision of this state." *Id.* § (A)(2). This definition differs from and is more inclusive than the term "public body" defined in the State's Open Meeting Law. A.R.S. § 38-431(6). See, e.g., Ariz. Att'y Gen. Op. I95-010 (both Public Records Law and Open Meeting Law apply to charter schools but a different analysis applies); Ariz. Att'y Gen. Op. I85-101 (for public records purposes, the county public defender is a public official and therefore records made or received by that office are records of the State subject to the requirements discussed in this Chapter). By definition, the employees of public officers and public bodies are also bound by the Public Records Law.

Arizona courts are not subject to Arizona's public records laws. Arizona Supreme Court Rule 123 governs the maintenance and disclosure of judicial records.

6.3 Types of Public Records. The following are examples of the types of documents considered to be "public records and other matters" and therefore available upon request to the public except for any portions of documents that may be protected from disclosure (discussed in Section 6.5.3 *infra*):

1. Permits and application forms for permits, Ariz. Att'y Gen. Op. I80-097;

2. Documents indicating the number of applicants for personnel positions by race and national origin, where no personal identification of the applicant is sought, Ariz. Att'y Gen. Op. 180-044;
3. Official records of proceedings of state boards and commissions, such as the Arizona Board of Tax Appeals, Ariz. Att'y Gen. Op. 179-316, and the Industrial Commission, *Industrial Comm'n v. Holohan*, 97 Ariz. 122, 126, 397 P.2d 624, 627 (1964);
4. Taxpayers' property tax valuations and the Board of Tax Appeals' records on appeals of property tax valuations, Ariz. Att'y Gen. Op. 178-234;
5. Probate files, *Henderson v. Las Cruces Prod. Credit Ass'n*, 6 Ariz. App. 549, 554, 435 P.2d 56, 61 (1967);
6. Budgets of both houses of the Legislature, Ariz. Att'y Gen. Op. 78-76;
7. Records of expenditures of public monies, Ariz. Att'y Gen. Op. 70-1;
8. Annual reports filed by corporations with the Arizona Corporation Commission, *State v. Betts*, 71 Ariz. 362, 366-67, 227 P.2d 749, 752 (1951); Ariz. Att'y Gen. Op. 61-114-L;
9. Books of accounts of municipalities, Ariz. Att'y Gen. Op. 56-8;
10. A county sheriff's "offense report" of an assault by a prisoner in the county jail, *Carlson*, 141 Ariz. at 491, 687 P.2d at 1246;
11. A draft or unfinished police report, *Lake v. City of Phoenix*, 220 Ariz. 472, 483, ¶ 36, 207 P.3d 725, 736 (2009), *vacated in part on other grounds*, 222 Ariz. 547, 218 P.3d 1004 (2009);
12. Petitions for land annexation by cities, *Moorehead v. Arnold*, 130 Ariz. 503, 505, 637 P.2d 305, 307 (App. 1981);
13. Autopsy reports prepared by county medical examiners, *Schoeneweis v. Hamner*, 223 Ariz. 169, 173, ¶¶ 10-11, 221 P.3d 48, 52 (App. 2009); *Star Publ'g Co. v. Parks*, 178 Ariz. 604, 605, 875 P.2d 837, 838 (App. 1993); Ariz. Att'y Gen. Op. 188-130;
14. Reports of industrial injuries, Ariz. Att'y Gen. Op. 186-090;
15. Notice of claim that high school student's attorney filed with the school district, *Phoenix Newspapers, Inc. v. Ellis*, 215 Ariz. 268, 272, ¶ 17, 159 P.3d 578, 582 (App. 2007);

16. Disciplinary records of public employees, including the employee responses to disciplinary actions, A.R.S. § 39-128(A);
17. E-mail communications and computer backup tapes containing all documents for a county attorney's office may be public records, *Star Publ'g Co. v. Pima County Attorney's Office*, 181 Ariz. 432, 434, 891 P.2d 899, 901 (App. 1994) (County failed to provide specific factual basis to support argument that records were protected from disclosure);
18. A public record "maintained in an electronic format includes not only the information normally visible upon printing the document but also any embedded metadata," *Lake v. City of Phoenix*, 222 Ariz. 547, 551, ¶ 12, 218 P.3d 1004, 1008 (2009);
19. Videotapes held by the Yuma County Police Department, *KPNX-TV v. Superior Court*, 183 Ariz. 589, 592-93, 905 P.2d 598, 601-02 (App. 1995) (but holding that the State properly withheld disclosure of one of two videotapes because of safety and security concerns).

6.4 Denying Public Inspection. The custodian of public records must deny inspection when the record is made confidential by statute. *Berry v. State*, 145 Ariz. 12, 13-14, 699 P.2d 387, 388-89 (App. 1985). Although there is a presumption in favor of access to public records, this presumption may be outweighed by legitimate government considerations of privacy and the best interests of the State. See *Scottsdale Unified Sch. Dist. No. 48 v. KPNX Broad. Co.*, 191 Ariz. 297, 300, ¶ 9, 955 P.2d 534, 537 (1998) (confidentiality, privacy, or other "best interests of the state" can outweigh the public's right of inspection under the Public Records Law, but the State has the burden of overcoming the legal presumption favoring disclosure.); *U.S. v. Loughner*, 807 F.Supp.2d 828, 835 (D. Ariz. 2011) (criminal defendant's Sixth Amendment right to fair trial may overcome duty to disclose otherwise public documents under Arizona public records law). If the custodian of public records determines that these interests outweigh the public's right of inspection, he or she may refuse to disclose the records but if challenged, he or she has the burden of overcoming the presumption in favor of disclosure. *Id.* A public body or public officer may seek a declaratory judgment in cases in which it is unclear whether or not disclosure is appropriate. See *Arpaio v. Citizens Publ'g Co.*, 221 Ariz. 130, 211 P.3d 8 (App. 2008).

6.4.1 Records Confidential by Statute. There are over 300 Arizona statutes that address the confidentiality of records. A comprehensive list of the Arizona statutes that may require that all or a portion of governmental records be protected from public disclosure is included at the end of this chapter in Appendix 6.1. This list is current as of the date this chapter was last updated. Rules or regulations also may limit disclosure of certain information. See, e.g., A.A.C. R2-5-105 (limiting public access to information in personnel files to the following: name of employee; date of employment; current and previous class title; name and location of current and previous agencies to which the employee has been assigned; current and previous salaries and dates of each change;

name of employee's current or last known supervisor). In addition, federal law may require confidential treatment of certain information. See, e.g., 42 U.S.C. § 405(c)(2)(C)((viii)(I) (prohibiting disclosure of social security numbers to unauthorized persons); *Loughner*, 807 F. Supp. 2d at 835-36 (finding authorization for prohibiting the release of the sheriff's investigative file under Local Crim. R. of Practice for the Dist. of Ariz. 57.2(f) because release would pose a substantial threat to the defendant's Sixth Amendment right to a fair trial). Public officials and employees should review the confidentiality provisions that affect their areas of responsibility to avoid disclosure of confidential information.

6.4.2 Records Involving Privacy Interests. The Arizona courts have long recognized personal privacy as an exception to the general rule requiring access to government records. See *Scottsdale Unified Sch. Dist.*, 191 Ariz. at 300, ¶ 9, 955 P.2d at 537; *Carlson*, 141 Ariz. at 490-91, 687 P.2d at 1245-46. Under this exception, the custodian has discretion to deny public inspection when the disclosure would invade privacy and that invasion outweighs the public's right to know. See *id.* "In balancing considerations such as privacy against the general public interest in disclosure, it is relevant to examine whether the information in question is available through alternative means." *A.H. Belo Corp v. Mesa Police Dep't*, 202 Ariz. 184,186, ¶ 6, 42 P.3d 615, 617 (App. 2002) (holding that the city appropriately refused to disclose the audiotape of a 911 call in light of the family's privacy interests because the city disclosed the transcript, which was all that was necessary to inform the citizens about the government's actions).

Privacy is not defined under the Public Records Law. The Arizona Supreme Court relied on the United States Supreme Court's definition of privacy under the federal Freedom of Information Act in finding that "information is 'private if it is intended for or restricted to the use of a particular person or group or class of persons: not freely available to the public'" and "the privacy interest encompasses 'the individual's control of information concerning his or her person.'" *Scottsdale Unified Sch. Dist.*, 191 Ariz. at 301, ¶ 14, 955 P.2d at 538 (quoting *U. S. Dep't of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749, 763 (1989)).

For example, a person has a privacy interest in his or her birth date. *Id.* at 301-02, 955 P.2d at 538-39. State employees have a privacy interest in their home addresses and phone numbers. Ariz. Att'y Gen. Op. I91-004. Although autopsy reports are subject to the Public Records Law, the privacy interests of survivors "must be weighed against the need for public awareness of the government's performance of its law enforcement functions" to determine if some of the records are not appropriately subject to public inspection. *Schoeneweis*, 223 Ariz. at 175-76 ¶ 23, 221 P.3d at 54-55. The "records of the Industrial Commission's proceedings, orders and awards" are public but "information which is not collected to serve as a memorial of an official transaction or for the dissemination of information is private." *Industrial Comm'n*, 97 Ariz. at 126, 397 P.2d at 627. The public's right to know generally outweighs the privacy concerns of a convicted offender. *Mitchell v. Superior Court*, 142 Ariz. 332, 335, 690 P.2d 51, 54 (1984).

When a government entity withholds documents generated or maintained on a government-owned computer system on the grounds that the documents are personal, the requesting party may ask the trial court to perform an in camera inspection to determine whether the documents are public records. *Griffis*, 215 Ariz. at 5, ¶ 16, 156 P.3d at 422.

6.4.3 Restricting Access to Records Based Upon the Best Interests of the State. An officer or custodian of public records may refuse inspection of public records to protect the best interests of the State where "inspection might lead to substantial and irreparable private or public harm." *Carlson*, 141 Ariz. at 491, 687 P.2d at 1246.

As early as 1952, the Arizona Supreme Court recognized an exception to public disclosure for records the disclosure of which would be detrimental to the best interests of the State. *Mathews v. Pyle*, 75 Ariz. 76, 251 P.2d 893 (1952). The standard "detrimental to the best interests of the state" permits a public body to designate a record as confidential only when the "release of information would have an important and harmful effect on the duties of the officials or agency in question." *Board of Regents*, 167 Ariz. at 257-58, 806 P.2d at 351-52. Public officers must balance the possible adverse impact on the operation of the public body if the information in question is disclosed against the public's right to be informed about the operations of its government. *Id.*, 167 Ariz. at 258, 806 P.2d at 352. A public officer who determines that the harm to the State outweighs the public right to disclosure of a document has the burden of specifically demonstrating the harm if the decision is challenged in superior court. *Cox Ariz. Publ'n, Inc. v. Collins*, 175 Ariz. 11, 14, 852 P.2d 1194, 1198 (1993).

Applying the balancing test in *Board of Regents*, the Arizona Supreme Court held that the public's interest in ensuring the State's ability to secure the most qualified candidate for university president is more compelling than its interest in knowing the names of all of the "prospects" for the position. *Board of Regents*, 167 Ariz. at 258, 806 P.2d at 352. When a "prospect" is seriously considered and interviewed, the "prospect" becomes a candidate. The court held that the public's interest in knowing which *candidates* are being considered for the job outweighs "countervailing interests of confidentiality, privacy and the best interests of the state." *Id.* (quoting *Carlson*, 141 Ariz. at 491, 687 P.2d at 1246); *see also Phoenix Newspapers, Inc. v. Keegan*, 201 Ariz. 344, 351, ¶ 33, 35 P.3d 105, 112 (App. 2001) (superior court did not abuse its discretion in ordering the State to disclose most of the test questions in a statewide academic test that students must pass to graduate from high school because the public interest in disclosure outweighed "the State's cost and inconvenience in remedying that disclosure"); *KPNX-TV*, 183 Ariz. at 593, 905 P.2d at 602 (State was justified in withholding surveillance camera videotape due to its "security concerns about public disclosure of a videotape showing undercover officers, the evidence locker, and the location of the surveillance camera").

A public officer or public body may refuse to disclose documents that contain information protected by a common law privilege where release of the documents would be harmful to the best interests of the State. *See, e.g.,* the informant's privilege, *Grimm*

v. Ariz. Bd. of Pardons & Paroles, 115 Ariz. 260, 268-69, 564 P.2d 1227, 1235-36 (1977) (recognizing the "informant's privilege which, with certain exceptions, protects the identity of the informant but not generally the contents of the communication"); *State v. Celaya*, 27 Ariz. App. 564, 567, 556 P.2d 1167, 1170 (1976) ("The state may withhold from disclosure the identity of persons who furnish information of violations of law to law enforcement officers in furtherance of the public interest in effective law enforcement"); and the deliberative process privilege, *Grimm*, 115 Ariz. at 269, 564 P.2d at 1236 (agreeing with the reasoning in *United States v. Morgan*, 313 U.S. 409 (1941) and holding that the mental processes of an administrative decision-maker were protected from disclosure including the manner and extent of his study of the administrative record and his consultation with subordinates); *but see Rigel Corp. v. State*, 225 Ariz. 65, 73 ¶ 41, 234 P.3d 633, 641 (App. 2010) (declining to create a deliberative process privilege by decisional law).

The cloak of confidentiality may not be used, however, to save an officer or public body from inconvenience or embarrassment. *Dunwell v. Univ. of Ariz.*, 134 Ariz. 504, 508, 657 P.2d 917, 921 (App. 1982); Ariz. Att'y Gen. Op. 76-43. Nor may officials deny access simply because the records might be used to establish tort liability on the part of the State. Ariz. Att'y Gen. Op. 189-022. And "[t]he promise of confidentiality standing alone is not sufficient to preclude disclosure." *Moorehead*, 130 Ariz. at 505, 637 P.2d at 307.

6.4.4 Requests by Litigants. The foregoing guidelines on refusing public inspection may not apply when the person requesting access to the records is a party to litigation with the State. In those cases, the party may have a greater right to access than the public generally. See *Grimm*, 115 Ariz. at 269, 564 P.2d at 1235. If a party to litigation against the State requests records under the Public Records Law, the party need not demonstrate that the "documents are relevant to anything" and therefore may obtain records that would not be discoverable in litigation. *Bolm v. Custodian of Records of Tucson Police Dep't*, 193 Ariz. 35, 39, ¶ 10, 969 P.2d 200, 204 (App. 1998). However, if the State or other public entity refuses to disclose a document to a litigant who requests it under the public records law, the court balances the government's interest in nondisclosure with the *public's*, not the litigant's, interest in disclosure. Cf. *London v. Broderick*, 206 Ariz. 490, 495, ¶ 17, 80 P.3d 769, 774 (2003) (holding that the government employer's interest in not disclosing its investigatory file before a pre-disciplinary interview outweighed the public's interest in "disclosure of the preliminary investigation of a low-level probation department employee at the initial stage of the investigation").

6.5 Procedure for Handling Requests for Access to Public Records or Other Matters.

6.5.1 Inspection and Copying of Public Records. The right to inspect documents is not unqualified. See A.R.S. § 39-121.01(D)(1) ("Any person may request to examine or be furnished copies, printouts or photographs of any public record during regular office hours.") Records may not be inspected at times, or in ways, that disrupt

public business. See Ariz. Att'y Gen. Ops. 180-097, 78-234, 70-1. Records must be provided if they are in the custody of the public officer or public body, even if they are also available elsewhere. *Phoenix New Times, L.L.C. v. Arpaio*, 217 Ariz. 533, 540, ¶ 22, 177 P.3d 275, 282 (App. 2008).

If the custodian of public records does not promptly respond to record requests and promptly furnish records that are subject to disclosure, access will be deemed denied. A.R.S. § 39-121.01(D)(1), (E). “‘Prompt,’ . . . mean[s] ‘quick to act or to do what is required,’ or ‘done, spoken, etc. at once or without delay.’” *W. Valley View, Inc. v. Maricopa County Sheriff’s Office*, 216 Ariz. 225, 230, ¶ 21, 165 P.3d 203, 208 (App. 2007) (quoting *Webster’s New World Dictionary* 1137 (2d ed. 1980)). In *Phoenix New Times*, the Arizona Court of Appeals found that the Maricopa County Sheriff’s Office had wrongfully denied records requests because it had delayed in providing the requested documents and failed to offer a legally sufficient reason for the delay. *Phoenix New Times*, 217 Ariz. at 547, ¶ 49, 177 P.3d at 289.

The governmental entity has the burden in proving that its response to records request was prompt in light of the circumstances surrounding each request. *Id.* at 538-39, ¶ 15, 177 P.3d at 280-81. Promptness must in all cases be a factual determination, depending upon the accessibility and volume of the material. If the information requested is on microfilm and thus requires use of a reader/printer to view it, the time for inspection would depend upon the availability of the necessary equipment. If the requested material has been stored off the premises of the agency, additional time might be necessary to retrieve the document requested. Should this occur, the requesting party should be advised, in writing, of the delay and the reason for it. Similarly, if the requested material contains confidential information that must be redacted, the custodian should inform the requesting party that the response will be delayed and the reason for the delay. See *Judical Watch, Inc. v. City of Phoenix*, 228 Ariz. 393, 398, 267 P.3d 1185, 1190 (App. 2011) (noting that because “[t]he promptness of a production of public records for inspection varies with the circumstances,” the government “can expend time reasonably necessary to make redactions”).

If the custodian of the record does not have the facilities for making copies, the person requesting the record must be granted access to it for the purpose of making copies. See A.R.S. § 39-121.01(D)(2). However, the copies must be made while the document remains in the possession, custody, and control of the custodian. *Id.* The person requesting the record may request that the custodian mail a copy of any public record not otherwise available on the public body’s web site, but the custodian may require the requester to pay copying and postage charges in advance. A.R.S. § 39-121.01(D)(1).

6.5.2 Ongoing Requests. In *W. Valley View, Inc.*, 216 Ariz. at 228, ¶ 14, 165 P.3d at 206, the Arizona Court of Appeals held that the sheriff’s office must comply with a newspaper’s ongoing public records request for copies of its press releases. The court found the request justified because the request only sought copies of “a single easily defined and identifiable category of documents that the public agency admittedly

regularly generates”; the newspaper needed to receive timely press releases to meet its deadlines; and the sheriff’s office provided timely press releases to many other media outlets. *Id.* at 229, ¶ 14, 230, ¶ 19.

6.5.3 Duty to Redact. When confidential and public information are commingled in a single document, a copy of the document may be made available for public inspection with the confidential material excised. *Carlson*, 141 Ariz. at 491, 687 P.2d at 1246; *see also KPNX-TV*, 183 Ariz. at 594, 905 P.2d at 603 (custodian must demonstrate specific reasons and a good faith basis for denying access to entire record rather than redacting confidential portions). If confidential material has been attached to an otherwise disclosable document, the material so attached may simply be removed. *See id.*; Ariz. Att’y Gen. Ops. I86-090, I85-097. The public body should note in its records precisely which material has been excised and which has been released.

If requested, the custodian of the records of an agency (as prescribed under A.R.S. § 41-1001) shall also furnish an index of records or categories of records that have been withheld and state the reasons that each record has been withheld. A.R.S. § 39-121.01(D)(2). “The custodian shall not include in the index information that is expressly made privileged or confidential in statute or a court order.” *Id.* Records may be grouped by categories for the purposes of this index. *Id.* The Department of Public Safety, the Motor Vehicle Division of the Department of Transportation, the Department of Juvenile Corrections, and the Department of Corrections are specifically exempt from this indexing requirement. *Id.*

6.5.4 Charges for Copies. The Legislature has distinguished between the fees an agency may impose for commercial and non-commercial requests for copies of public records. A.R.S. §§ 39-121.01(D)(1), -121.03(A); *see also* Section 6.5.6. The custodian may require the person requesting the public record to pay in advance for any copying and postage charges. A.R.S. § 39-121.01. If records are available on the web site, the public body or public officer may direct the requestor to obtain copies there. A.R.S. § 39-121.01(D)(1).

6.5.5 Non-Commercial Use. A person requesting copies, printouts, digital copies, or photographs of public records for a non-commercial purpose may be charged a fee for the records. A.R.S. § 39-121.01; *but see* Section 6.5.7 *infra*. An agency may charge a fee it deems appropriate for copying records, including a reasonable amount for the cost of time, equipment, and personnel used in producing copies of records, but not for costs of searching for the records. A.R.S. § 39-121.01(D)(1); *Hanania v. City of Tucson*, 128 Ariz. 135, 136, 624 P.2d 332, 333 (App. 1980); Ariz. Att’y Gen. Op. I86-090. If an agency must make a copy of a public record due to, for example, necessary redactions but the requester only wants to inspect the record, the agency may not charge a copying fee. Ariz. Att’y Gen. Op. I13-012. Further, if the requester makes copies of public records using his or her own personal device, the agency may not charge a copying fee. *Id.* If an agency is producing documents pursuant to a subpoena in a civil action to which the agency is not a party, the fee is prescribed by A.R.S. § 12-351.

6.5.6 Commercial Use. Persons requesting reproductions for a commercial purpose must provide a statement setting forth the commercial purpose for which the records are requested. A.R.S. § 39-121.03(A).

Commercial purpose is defined as:

[T]he use of a public record for the purpose of sale or resale or for the purpose of producing a document containing all or part of the copy, printout or photograph for sale or the obtaining of names and addresses from public records for the purpose of solicitation or the sale of names and addresses to another for the purpose of solicitation or for any purpose in which the purchaser can reasonably anticipate the receipt of monetary gain from the direct or indirect use of the public record. Commercial purpose does not mean the use of a public record as evidence or as research for evidence in an action in any judicial or quasi-judicial body.

A.R.S. § 39-121.03(D).

Commercial uses include: 1) use of the public records for sale or resale; 2) obtaining names and addresses from public records for the purposes of solicitation; and 3) the sale of names and addresses to another for any purpose in which the purchaser can reasonably anticipate the receipt of monetary gain from the direct or indirect use of the public record. *Primary Consultants, LLC v. Maricopa County Recorder*, 210 Ariz. 393, 400, 111 P.3d 435, 442 (App. 2005). The use of public records for one's trade or business is not a commercial purpose. *Id.* at 400, ¶ 28, 111 P.3d at 442. Gathering newsworthy facts from public records to include in a newspaper or other publication is not a commercial purpose. *Parks*, 178 Ariz. at 605, 875 P.2d at 838.

Upon being furnished a signed statement of the commercial purpose, the custodian may assess a charge that includes the following:

1. A portion of the cost to the public body for obtaining the original or copies of the documents, printouts or photographs.
2. A reasonable fee for the cost of time, materials, equipment and personnel [used] in producing such reproduction.
3. The value of the reproduction on the commercial market as best determined by the public body.

A.R.S. § 39-121.03(A). As with non-commercial requests, the determination of the fee to be charged is made in the first instance by the public body. Among the factors to be considered in making this determination are 1) the time expended in retrieving the

records; 2) transportation costs, if any; and 3) the actual cost to the public body in terms of special equipment or processing required in preparing the record for release.

If the custodian of a public record determines that the [requester's] commercial purpose . . . is a misuse of public records or is an abuse of the right to receive public records, the custodian may apply to the [G]overnor requesting that the [G]overnor by executive order prohibit the furnishing of copies, printouts or photographs for such commercial purpose.

Id. § (B).

6.5.7 Free Copies. Certain public records must be provided without charge, namely those concerning "a claim for a pension, allotment, allowance, compensation, insurance or other benefits which [are] to be presented to the United States or a bureau or department thereof." A.R.S. § 39-122(A). Victims of certain crimes also have rights to obtain copies of some records at no cost. A.R.S. § 39-127.

6.6 Consequences of Wrongful Refusal to Disclose.

6.6.1 Attorney's Fees. In lawsuits alleging the wrongful denial of requested public records, a court may award legal costs, including attorney's fees, to the requester if he or she substantially prevails. A.R.S. § 39-121.02(B). This does not limit the rights of any party to recover attorney's fees, expenses, and double damages that are authorized by other statutes. *Id.*

6.6.2 Damages. A public officer or agency may also be liable for damages that result from wrongfully denying a person access to public records. A.R.S. § 39-121.02(C).

6.7 Preservation, Maintenance, Reproduction, and Disposition of Public Records.

6.7.1 Preservation and Maintenance Generally. "All records made or received by public officials or employees of this state or the counties and incorporated cities and towns of this state in the course of their public duties are the property of the state." A.R.S. § 41-151.15(A). Each public body and officer is responsible for preserving, maintaining, and caring for the public records within their offices. A.R.S. § 39-121.01(C). Each officer and public body is required by statute to carefully secure, protect, and preserve public records from deterioration, mutilation, loss, or destruction, unless the records are disposed of pursuant to A.R.S. §§ 41-151.15 and 151.19. See A.R.S. § 39-121.01(C); see also Section 6.7.5 *infra*.

The head of each state agency must perform the following duties:

1. Establish and maintain an active, continuing program for the economical and efficient management of the public records of the agency.
2. Make and maintain records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency designed to furnish information to protect the rights of the state and of persons directly affected by the agency's activities.
3. Submit to the director [of the Arizona State Library, Archives and Public Records], in accordance with established standards, schedules proposing the length of time each record series warrants retention for administrative, legal or fiscal purposes after it has been received by the agency.
4. Submit a list of public records in the agency's custody that are not needed in the transaction of current business and that are not considered to have sufficient administrative, legal or fiscal value to warrant their inclusion in established disposal schedules.
5. Once every five years submit to the director lists of all essential public records in the custody of the agency.
6. Cooperate with the director in the conduct of surveys.
7. Designate an individual within the agency to manage the records management program of the agency. The agency shall reconfirm the identity of this individual to the state library every other year. The designated individual:
 - (a) Must be at a level of management sufficient to direct the records management program in an efficient and effective manner.
 - (b) Shall act as coordinator and liaison for the agency with the state library.
8. Comply with rules, standards and procedures adopted by the director.

A.R.S. § 41-151.14(A). Governing bodies of counties, cities, towns, and other political subdivisions and the heads of political subdivisions are also required, as far as practicable, to follow the program established for the management of state records.

A.R.S. § 41-151.14(B). A state or local agency head who fails to comply with these requirements is guilty of a class 2 misdemeanor. A.R.S. § 41-151.14(C).

The Director of the State Library, Archives and Public Records is responsible for (a) establishing “standards, procedures, and techniques for effective management of public records,” A.R.S. § 41-151.12(A)(1), and (b) establishing standards and procedures for preparing schedules for retaining records of continuing value and promptly and efficiently disposing of records “no longer possessing sufficient administrative, legal, fiscal, research or historical value” to warrant their retention, *id.* § (A)(3). The Director of the State Library, Archives and Public Records is also responsible for the preservation and management of records and for authorizing the destruction or disposal of records. A.R.S. §§ 41-151.12(A), -151.15, and -151.19. Additional information regarding the standards and procedures currently established by the Director of the State Library, Archives and Public Records is available on that entity’s website.

6.7.2 Quality and Storage Requirements. All permanent public records must be "transcribed or kept on paper or other material which is of durable or permanent quality and which conforms to standards established by the director of the Arizona state library, archives and public records." A.R.S. § 39-101(A). These public records must also be stored and maintained according to the Director’s standards. *Id.* § (B). A public officer who fails to keep permanent public records in accordance with the Director’s standards is guilty of a class 2 misdemeanor. *Id.* § (C).

6.7.3 Size Requirements. All public records must conform to the standard letter size of eight and one-half inches by eleven inches, within standard paper manufacturing tolerances, unless they are "engineering drawings, architectural drawings, maps, computer generated printout, output from test measurement and diagnostic equipment, machine generated paper tapes," or public records required by law to be a different size or otherwise exempt by law from the standard size requirement. A.R.S. § 39-103(B). In addition, the Director of the Arizona State Library, Archives and Public Records may exempt documents from the standard size "requirement" if "the director finds that the cost of producing a particular type of public record [in the standard size] is so great as to not be in the best interests of this state." *Id.*

6.7.4 Reproduction of Public Records. Each state agency may implement a program for the reproduction by photography or other method of reproduction on film, microfiche, digital imaging, or other electronic media of records in its custody. A.R.S. § 41-151.16(A). However, prior to instituting the program, the agency must obtain approval from the Director of the Arizona State Library, Archives and Public Records. *Id.*

6.7.5 Disposition of Public Records. The disposition of public records by the State or any of its political subdivisions is governed by A.R.S. §§ 41-151.15, -151.17, -151.19, and 44-7601. A state agency may destroy records when the State Library

concludes "that the record has no further administrative, legal, fiscal, research or historical value." A.R.S. § 41-151.15(B). The agency may obtain approval to destroy records from the Records Management Division of the State Library on a continuing basis pursuant to a records retention and disposition schedule or, for records not on a retention schedule, pursuant to single request form. A report of records destruction that includes a list of all records disposed of shall be filed at least annually with the State Library on a form prescribed by the State Library. A.R.S. § 41-151.19. The forms are available on the State Library website.

A public officer or other person having custody or possession of any record for any purpose, "who steals, or knowingly and without lawful authority destroys, mutilates, defaces, alters, falsifies, removes or secretes" all or part of a public record, or who permits any other person to do so, is guilty of a class 4 felony. A.R.S. § 38-421; see *also* A.R.S. § 13-2407 (making it a class 6 felony to tamper with a public record). See Section 2.15(3), (19), (22).

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Agriculture

Laboratory Test Results	§ 3-145(D)
Fertilizer Materials, annual reports and publications, information concerning an individual's operations	§ 3-266(A)
Pesticides, trade secrets, commercial or financial information) Pesticides Control	§ 3-351(H) § 3-374
Marketing Orders and Agreements, individual totals of affected commodities produced or shipped	§ 3-407(C)
Marketing Orders and Marketing Agreements, election procedures	§ 3-410(E)
Marketing Orders and Marketing Agreements, terminating a marketing order	§ 3-412(I)
Marketing Orders and Agreements, records and reports	§ 3-422(C)
Citrus Fruit Standardization, totals of commodities produced or shipped	§ 3-449.03(B)
Citrus Fruit Standardization, exemption from, information provided by shippers to the supervisor	§ 3-450(G)
Fruit and Vegetable Standardization, individual totals of commodities produced or shipped	§ 3-488(A)
Fruit and Vegetable Standardization, exemption from, Information provided by shippers to the supervisor	§ 3-491(G)
Pesticides, trade secrets or commercial or financial information	§ 3-351(H)
Dairies and dairy products, handlers' license renewal, financial statements	§ 3-609(A)(3)
Animal and Bird Feeds, information concerning an individual's operations	§ 3-2604(A)(1)

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Inspections and Investigations, trade secrets § 3-3121

Alcoholic Beverages

Department of Liquor Licenses and Control, powers and duties § 4-112(F)

State Lottery

Information Maintained by the Commission § 5-504(F)

Contracts, bids received § 5-509(B)

Banks and Financial Institutions

Banking Department Records § 6-129(A)

Examination, inquiry, or investigation § 6-129(E)

Trust Information, disclosure § 6-860

Application for license and financial statement § 6-1253

Children

Adoption, putative father registry § 8-106.01

Adoption, hearing information § 8-115(A)

Adoption, records § 8-120, -121

Adoption, confidential intermediary § 8-134

Adoption, subsidized adoption records § 8-144

Juvenile Court, records § 8-208

Juvenile Court, victim's rights, victim's advocate; victim
consultation privilege § 8-409

Juvenile Court, victim's rights, right to privacy § 8-413

Child Welfare, records, foster care review board § 8-519(C)

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Child Welfare, foster care, special advocate, information reviewed/acquired	§ 8-522(F)
Child Welfare, termination of parental rights, hearings	§ 8-537
Child Welfare, termination of parental rights, records and information	§ 8-541, -542
Healthy Families Pilot Program, access to records	§ 8-701(J)
Dependent Children, protective services, examination of clergy prohibited	§ 8-805(C)
Dependent Children, records and reports	§ 8-807
Dependent Children, child welfare mediation program	§ 8-809
Dependent Children, information related to an investigation	§ 8-811(D)

Corporations and Associations

Records and Reports, interrogatories	§ 10-1634
Professional corporations, privileged communications	§ 10-2233

Counties

Board of Supervisors, Power of Board	§ 11-251
Board of Supervisors, Board Powers, hospitals	§ 11-254.03(6)
County Recorder, discharge papers of service personnel	§ 11-465
County Officers, peace officer residential address and telephone numbers	§ 11-483(A)
State Treasurer, disclosure of confidential information; violation; classification; definition	§ 11-505
Medical examiners, death investigations, criminal identification section of DPS	§ 11-593(E)

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Courts and Civil Proceedings

Special Actions, product liability, product safety analysis or review, trade secrets	§ 12-687(4), 748
Arbitrations, witness subpoenas; deposition	§ 12-1507(H)
Injunction against harassment; petition; venue; fees; notice	§ 12-1809(C)
Privileged communications, husband and wife	§ 12-2231; -2232
Privileged communications, clergyman or priest	§ 12-2233
Privileged communications, attorney and client	§ 12-2234
Privileged communications, doctor and patient	§ 12-2235
Privileged communications, reporter and informant	§ 12-2237
Privileged communications, mediation process	§ 12-2238
Health care institution records, subpoena	§ 12-2282(D)
Medical records, confidentiality	§ 12-2292; -2293; -2294
Silent witness or crime stopper program, reporting anonymity	§ 12-2311
Silent Witness program records	§ 12-2312
Confidentiality of genetic testing results, disclosure	§ 12-2802
Genetic testing, public records exception	§ 12-2804
Arbitration, protective orders	§ 12-3017(E)

Criminal Code

Imprisonment, identity of executioners	§ 13-704
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Method of infliction of sentence of death; identity of executioners	§ 13-757(C)
HIV and sexually transmitted disease testing	§ 13-1415(B)
Organized Crime, investigation of racketeering records	§ 13-2315
Unauthorized release of proprietary or confidential computer security information	§ 13-2316.02
Interference with judicial proceedings, disclosure of grand jury testimony or decision	§ 13-2812
Interference with judicial proceedings, disclosure of indictment, information, or complaint	§ 13-2813
Offenses against public order, disclosure or alteration of telephone or telegraph message without authority	§ 13-2913
Eavesdropping--Communications, opening, reading or publishing sealed letter of another without authority	§ 13-3003
Eavesdropping--Communications, ex parte order for interception and application	§ 13-3010; -3011
Eavesdropping--Communications, surreptitious photographing	§ 13-3018(B)
Weapons and Explosives, concealed weapon, permit record system	§ 13-3112(J)
Drug Offenses, possession, use or sale in a drug-free school zone, school records of a student involved	§ 13-3411(G)
Family Offenses, duty to report non-accidental injury of a minor, medical records, records non-disclosable	§ 13-3620(G)
Sex Offender Registration, access to records	§ 13-3823
Entry of clearance on records, arrest/indictment records, cleared of charges; records non-disclosable	§ 13-4051(B)

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Competency and Privileges, examination as a witness, privileged communications	§ 13-4062
Crime Victim's Rights, pre-sentence report, victim's right to view	§ 13-4410 (B)(5); -4425
Crime victims' rights, privileged consultation between victim advocate and victim	§ 13-4430
Crime victims' rights, victim's right to privacy	§ 13-4434
Crime victim's rights, employee leave records	§ 13-4439(H)
Incompetence to stand trial, privilege against self-incrimination, records	§ 13-4508

Revised Arizona Probate Records

Private Fiduciaries, conduct, communications	§ 14-5651(E)
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Education

School districts, financial mismanagement, information and records of the appointed receiver	§ 15-103(T)
School district over expenditures, information and records of the appointed receiver	§ 15-107(M)
Educational records	§ 15-141
Family Literacy Program	§ 15-191& -191.01
State Board of Education, construction bids	§ 15-213 (A)(2)(d)
School accountability, annual achievement profile	§ 15-241(C)
School accountability, records kept by State Board of Education	§ 15-241.01(J)

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School District Governing Boards, General powers and duties, bullying	§ 15-341 (A)(37)(d)
School District Governing Board, investigation of immoral or unprofessional conduct, records	§ 15-350
Certification and Employment of Teachers, teacher evaluations	§ 15-537(G)
Certification and Employment of Teachers, pupil's name	§ 15-551
Curriculum, information furnished to the auditor general	§ 15-715
State Board of Ed and School District Governing Boards, Assessment of pupils, non-disclosure of personally identifiable information	§ 15-741
Test results, annual report	§ 15-743(A)(3)
Admission Requirements, educational records	§ 15-828(G)
Student accountability information system, student level data	§ 15-1042(K)
Student level data, confidentiality	§ 15-1043
Education database, non-disclosure of personally identifiable information	§ 15-1045
Arizona Board of Regents, record disclosure	§ 15-1638
Intellectual property of university, trade secrets	§ 15-1640
College Savings Plan, program requirements	§ 15-1875(R)
Fingerprinting of students, post-secondary health sciences programs	§ 15-1881(C)
Authority to enter compact, terms of interstate compact on educational opportunity for military children	§ 15-1911

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Elections and Electors

Registration Procedures, driver's license voter registration	§ 16-112
Registration Forms, voter registration assistance agencies, declination forms	§ 16-140(C)
Registration Forms, registration to vote	§ 16-152 (A)(21)
Registration Forms, justices, court of appeals, municipal courts, superior courts, supreme court justices, voter registration records	§ 16-153
Registration Rolls, causes for cancellation, death record	§ 16-165(D)
Voting equipment, filing of computer election programs with the Secretary of State	§ 16-445(D)

Insurance

Administrative Officers and Procedures, insurer claim files	§ 20-157.01(B)
Administrative Officers and Procedures, information sharing	§ 20-158(D)
Insurance Companies, financial analysis ratio and examination Synopses	§ 20-234(C)
Insurance producer licensing, sharing of information	§ 20-299
Rating Organizations, information provided to	§ 20-364
HIV information	§ 20-448.01
Unfair Practices and Frauds, genetic testing results	§ 20-448.02
Fraud Unit, powers, privileged and confidential materials	§ 20-466(D)
Insurance on Collateral Security, disclosure of expiration date prohibited	§ 20-475.01

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Insurance Holding Company Systems, contents of statement	§ 20-481.03 (A)(4)
Insurance Holding Company Systems, records obtained or disclosed during investigation/examination	§ 20-481.21
Acquisitions Involving Insurers Not Otherwise Covered; anti-competitive considerations	§ 20-481.25(C)
Insurance Administrators, records maintenance, confidentiality	§ 20-485.03(B)
Reinsurance Intermediaries, basis for refusal to license	§ 20-486.01
Risk-Based Capital for Insurers, confidentiality	§ 20-488.07
Standard Valuation Law	§ 20-510(C) (2)(g)
Assets and Liabilities, report of acquisitions and dispositions	§ 20-517(D)
Actuarial Opinion and Memorandum Requirements	§ 20-696.04(F)
Property and Casualty actuarial opinion requirements; confidentiality, sharing of information	§ 20-697.01
Particular Types of Insurers, subscription contracts	§ 20-826(K)
Evidence of Coverage by Health Care Service Organizations	§ 20-1057(L)
Captive Insurers, licensing, authority	§ 20-1098.01 (F)
Disability Insurance	§ 20-1342 (A)(12)
Group and Blanket Disability Insurance	§ 20-1402 (A)(8)
Mortgage Guaranty Insurance, reinsurance	§ 20-1557(F)
Professional Liability Insurance	§ 20-1742(B)

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Automobile Theft, Fire and Arson Reporting Immunity	§ 20-1902(E)
Information and Privacy Protection, disclosure limitations and conditions	§ 20-2113
Confidentiality of information	§ 20-1904
Accountable Health Plans, identity of natural parent	§ 20-2321(C)
Utilization Review, information concerning customers, patients, or review plans	§ 20-2504(D)
Utilization Review, confidentiality	§ 20-2509

Juries

Persons entitled to be excused from jury service	§ 21-202 (B)(1)(c)
Juror records	§ 21-312
Grand Juries, non-disclosure of testimony	§ 21-411(B)

Labor

Industrial Commission, information sharing	§ 23-107
Division of Occupational Safety and Health, confidentiality of trade secrets	§ 23-426
Employee Drug Testing, confidentiality of results, records	§ 23-493.09
Employment Security, contributions, employer tax reports	§ 23-722(A)
Employer Reporting, new hires	§ 23-722.01 (G)
Worker's Compensation, HIV	§ 23-1043.02

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Marital and Domestic Relations

Dissolution, records pertaining to payment of maintenance and Support	§ 25-322(E)
Dissolution; Court of Conciliation, conduct of hearing, confidential communications	§ 25-381.16(D)
Financial Institutions Data Match, prohibited disclosure	§ 25-523
Jurisdiction, information to be submitted to the court	§ 25-1039

Military Affairs and Emergency Management

Emergency and hazardous chemical inventory forms	§ 26-350
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Minerals, Oil and Gas

Department of Mines and Mineral Resources, Trade secrets	§ 27-112
State Mine Inspector, restrictions on divulging information by inspectors and employees	§ 27-127
Lease of state lands for mineral claims, geologic and economic evidence relating to mineral resources	§ 27-233(B)
Lease of State Lands for Mineral Claims, information relating to mineral appraisals	§ 27-234 (F),(H)
Lease of State Lands for Mineral Claims, inspections, investigations and audits, tax records and trade secrets	§ 27-239
Terms of Mineral Exploration Permit	§ 27-252(A)(8)
Lease of state lands for common variety minerals; trade secrets	§ 27-274
Operations of Mines, complaint to inspector of dangerous conditions	§ 27-308
Production and Conservation, records	§ 27-522(B)

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Geothermal Resources, information and records	§ 27-653
Mined Land Reclamation, disclosure of information	§ 27-930
State Mine Inspector, public disclosure of information	§ 27-1231

Transportation

Records, fees for copies, exemptions	§ 28-446(D)
Records, peace officers, redaction	§ 28-454(F)
MVD records, release of personal information	§ 28-455
Traffic and Vehicle Regulation, accident reports	§ 28-671
Spaying and neutering of animals fund, information relating to donation application	§ 28-2422.02
Tax Collection, confidential information	§ 28-5931(1)
Collection procedures, disclosure of confidential information	§ 28-5935; -5936
Tax Collection	§ 28-5937
Public-Private partnerships in transportation, confidentiality and public disclosure	§ 28-7707
Light rail transit systems, public records, confidentiality	§ 28-9202

Power

Electric Power Competition, consumer protection, confidentiality	§ 30-806
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State Prison, prisoners, records of prisoner care and custody	§ 31-221(C)
Executive Clemency; Paroles, address of victim and victim's immediate family	§ 31-412(F)
Psychiatric security review board, confidential information	§ 31-502

Professions and Occupations

Architects, Assayers, Engineers, Geologists, and Surveyors, registration records, education records, investigation records	§ 32-129
Architects, Assayers, Engineers, Geologists, and Surveyors, board reports,	§ 32-147
Cosmetology, confidential education records	§ 32-576
Certified Public Accountants, letters of concern	§ 32-741(D)
Certified Public Accountants, confidential information	§ 32-749(A)
Podiatry (Board of Podiatry Examiners), examination materials and records	§ 32-825(F)
Podiatry, investigations	§ 32-852.01
Chiropractors and Chiropractic Board, records	§ 32-929(C)
Collection Agencies, licensing, contents of financial statement	§ 32-1022(A)
Dental board, pending complaints and investigations	§ 32-1207
Dentistry, dental board, examination/investigation/educational records	§ 32-1209
Dentistry, dental board, investigation and adjudication of complaints, patient records	§ 32-1263.02
Board of Funeral Directors and Embalmers, examination, investigation and educational records	§ 32-1310

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Board of Funeral Directors and Embalmers, licensing and regulation, notices filed with the board by prospective new owners	§ 32-1388(F)
Board of Funeral Directors and Embalmers, cremation, notices filed with the board by prospective new owners	§ 32-1397(F)
Board of Medical Examiners, grounds for disciplinary action, duty to report	§ 32-1451(A)
Board of Medical Examiners, investigation, patient and medical records	§ 32-1451.01 (C),(E)
Naturopathic Medicine, exam materials and records	§ 32-1525(I)
Naturopathic Medicine, hospital and medical records	§ 32-1551.01(E)
Board of Nursing, confidential treatment of chemical dependency	§ 32-1605.01
Board of Nursing, investigation, patient and medical records	§ 32-1664 (J),(K)
Dispensing Opticians, investigation and adjudication of complaints	§ 32-1691.01 (B)
Board of Optometry, investigations, name of complainant and patient records	§ 32-1744 (A),(N)
Board of Optometry, records	§ 32-1746
Osteopathic Physicians and Surgeons, grounds for disciplinary action, duty to report	§ 32-1855
Osteopathic Board, investigations, hospital and patient records	§ 32-1855.03
Board of Pharmacy, investigations, records	§ 32-1940

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Record of Prescription Orders; confidentiality	§ 32-1964
Board of Physical Therapy Examiners, investigation of incompetence/unprofessional conduct, identity of informant	§ 32-2044
Board of Physical Therapy, complaints filed	§ 32-2045 (D),(E)
Board of Physical Therapy, reporting violations, immunity	§ 32-2049
Board of Physical Therapy, rights of consumers, home address and telephone numbers of physical therapists	§ 32-2051(B)
Psychology Board, investigation of unprofessional conduct or incompetence, identity of informant	§ 32-2081(C)
Psychology Board, investigation records	§ 32-2082(E)
Psychologists, regulation, confidential communications	§ 32-2085
Right to examine and copy evidence; subpoenas; right to counsel; confidentiality	§ 32-2091.10
Behavior analysts, confidential communications	§ 32-2091.13
Real estate, confidentiality of licensee's residential address	§ 32-2125.03
Veterinarians, examination and educational records	§ 32-2214(G)
Veterinarians, committee to investigate violations, confidentiality	§ 32-2237(H)
Private Investigators, licensee financial statements	§ 32-2402(C)
Physician Assistants (Joint Board), investigation of incompetence or unprofessional conduct, identity of informant	§ 32-2551(A)
Physician Assistants (Joint Board), confidential records	§ 32-2552 (C),(E)
HIV, disclosure	§ 32-2556

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Homeopathic Physicians, licensing, licensee's home address	§ 32-2916(B)
Board of Homeopathic Medical Examiners, investigation of incompetence/unprofessional conduct, identity of informant	§ 32-2934(A)
Board of Homeopathic Medical Examiners, investigation information and records, patient records/medical records	§ 32-2935 (D),(E),(F)
Private Post-secondary Education, types of disciplinary action	§ 32-3052(C)
Private Post-secondary Education Board, educational records	§ 32-3058(D)
Behavioral Health Examiners, program for monitoring licensees who are chemically dependent	§ 32-3253
Behavioral Health Examiners Board, records	§ 32-3282(C)
Behavioral Health Examiners Board, privileged communications	§ 32-3283
Respiratory Care Examiners Board, investigation of incompetence or unprofessional conduct, identity of informant	§ 32-3553(B)
Respiratory Care Examiners Board, medical records	§ 32-3553(K)
State Board of Appraisal, confidential records	§ 32-3609
State Board of Appraisal, disciplinary proceedings	§ 32-3631 (A)(10)
State Board of Appraisal, confidential records	§ 32-3656
Personal information maintained by professional boards	§ 32-3801; -4160
Athletic trainers regulation, pending complaints and investigations	§ 32-4154
Massage therapy regulation, information provided by informants	§ 32-4256; -4259

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Condominium Management, books and records	§ 33-1258 (B),(C)
Planned Communities, books and records	§ 33-1805 (B),(C)

Public Health and Safety

Department of Health Services, power to promulgate rules, confidential records	§ 36-107
Department of Health Services, chronic disease surveillance system, information collected	§ 36-133(F)
Department of Health Services, child immunization reporting system, confidentiality	§ 36-135(E)
Department of Health Services, confidential information	§ 36-136 (H)(11),(L)
Department of Health Services, home health services, records	§ 36-160
Health Care Institutions, limitations on disclosure of information	§ 36-404
Health Care Institutions, health screening services, privileged communications	§ 36-405.01(D)
Children's behavioral health programs, fingerprint forms	§ 36-425(E)
Health Care Institutions, health care utilization committees, utilization review proceedings, records, and materials	§ 36-441(F)
Health Care Institutions, review of certain health care practices, proceedings, records, and materials	§ 36-445.01
Health Care Institutions, publication of review results, patient identity	§ 36-445.03

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Health Care Institutions, freestanding urgent health center incident reporting, confidentiality	§ 36-445.04
Health Care Institutions, licensing, nursing care institution administrators and adult home care managers; investigation, examination, and educational records	§ 36-446.10
Mental Health Services, patient's right to privacy	§ 36-507(2)
Mental Health Services, confidential records	§ 36-509
Mental Health Services	§ 36-517.02(C)
Department of Developmental Disabilities, developmentally disabled persons, financial information	§ 36-562(F)
Department of Developmental Disabilities, confidential records	§ 36-568.01
Department of Developmental Disabilities, confidential health information	§ 36-568.02
Maternal and Child Health, newborn screening program for hearing loss and congenital disorders	§ 36-694(E)
Public Health Control, communicable disease information, Disclosure	§ 36-664
Public Health Control, communicable disease information, order for disclosure	§ 36-665
Public Health Control, communicable disease information, violation	§ 36-666
Public Health Control, communicable disease information, civil penalty	§ 36-667(A)(2)
Public Health Control, maternal and child health, program records	§ 36-697(G)
Tuberculosis Control, examination of patient records	§ 36-714(B)(1)
Public Health Control, tuberculosis control	§ 36-727

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Arizona Procurement Code, competitive sealed proposals	§ 41-2534(D)
Arizona Procurement Code, information submitted by bidders	§ 41-2535(B)(5)
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Board of Funeral Directors, exam materials	§ 32-1309
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Child Day Care Programs	§ 36-883.02, § 36-897.03
Child fatalities review team records	§ 36-3503(D)
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Criminal history record information	§ 41-619.54, § 41-1279.02(C), § 41-1750
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Department of Corrections	§ 41-1606(B)
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Department of Health Services	§ 36-107, § 36-133(f), § 36-135, § 36-136(H)(11), § 36-160, § 36-340, § 41-1279.08(G), § 41-1377(G)
Department of Public Safety	§ 41-1750
Department of Revenue	§ 42-1004(A)(6)
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Disability insurance, identity of the natural parent	§ 20-1342(A)(12), § 20-1402(A)(8)
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Dispositions, insurer's report of	§ 20-517(D)
Dissolution of marriage, confidential communications	§ 25-381.16(D)
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Enforcement actions, disclosure of information related to	§ 3-374
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Examination synopses pertaining to insurance companies	§ 20-234(C)
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Expiration dates and policy information, insurance on mortgaged property	§ 20-475.01
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Family support duties, pleadings and accompanying documents	§ 25-638(C)
Fiduciary communications	§ 14-5651
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Financial institutions data match, family support duties	§ 25-523
Financial information	§ 32-2402(B), § 49-243(N), § 49-292.01(B), § 49-292.02(B)
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Genetic test results, insurance information related to	§ 20-448.02
Genetic testing results, confidentiality	§ 12-2802, -2804
Geospatial data sharing, critical infrastructure information	§ 37-178(D)
Geothermal resources, well records	§ 27-653
Grand Jury testimony or decision	§ 13-2812, § 21-411(B)
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Health Care Directive Registry	§ 36-3295
Health care information	§ 36-568.02
Health care institution records	§ 12-2282, § 36-404, § 36-405.01(D), -441(F), -445.01, -445.03, -446.10
Health care quality assurance	§ 36-2403
Health Care Utilization Review Committees, records, proceedings and materials used in connection with	§ 36-441(F), -445.01
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Healthy Forest Enterprise Incentives, report information	§ 41-1516
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Human Rights Committee, information provided to	§ 41-3804
Identity of informants	§ 32-2081, -2049(C), -2551(A), -2934(A), -3052(C), -3442(A), -3553(B), § 41-2167(C)(1)
Identity of natural parent	§ 20-826(K), -934(I), -1057(L), -1342(A)(12), -1402(A)(8), -2321
Indictment, information and complaints, disclosure of	§ 13-2813
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Insurance, information pertaining to HIV	§ 20-448.01
Insurance, information provided to rating organizations	§ 20-364
Insurance, utilization review, information concerning customers, patients, and utilization reviews	§ 20-2504(D)
Insurance acquisitions, submitted information pertaining to	§ 20-481.25(C)
Insurance actuary, information provided to	§ 20-696.06(E)
Insurance administrators, records maintained by	§ 20-485.03(B)
Insurance companies, financial analysis ratio and examination synopses	§ 20-234(C)
Insurance contracts	§ 38-655(E)
Insurance coverage, evidence of, identity of natural parents	§ 20-1057(L)
Insurance disclosure and privacy protections	§ 20-2113
Insurance expiration dates and policy information	§ 20-473
Insurance fraud unit, investigative materials	§ 20-466(D)
Insurance holding company systems, investigative records	§ 20-481.21
Insurance holding company system statements	§ 20-481.03(A)(4)
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Intellectual property, university trade secrets	§ 15-1640
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Judges, Justices, Commissioners, personally identifiable voter registration information	§ 16-153
Jurors, medical statements concerning inability to serve	§ 21-202(B)(1)(c)
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Land reclamation, mined, records pertaining to	§ 27-930
Lease of state lands	§ 37-282
Lease of state lands for mineral claims	§ 27-112, -233(B), -234(F),(H), -239, -274, -571, -1231
Lessee, information furnished by	§ 37-282
Library records	§ 41-1354
Light rail transit systems, public records, confidentiality	§ 28-9202
Lottery Commission, information maintained by	§ 5-504(G)
Maintenance and support, dissolution of marriage, records pertaining to payment of	§ 25-322(E)
Malpractice claims and actions, insurer's reports of	§ 20-1742(B)
Marital and domestic relations, Information to be submitted to the court	§ 25-1039
Maternal and child health programs	§ 36-697(G), -694(E)
Market and economic analysis	§ 36-37132(B)(4)

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Marketing orders and agreements	§ 3-407(C), -410, -412, -422
Maternity benefits and coverage, insurance, identity of the natural parent	§ 20-2321(C)
Mediation process	§ 12-2238
Medical marijuana act, cardholder identifying information in annual report	§ 36-2809
Medical marijuana act, non-disclosable address information in on-line registry verification system	§ 36-2807
Medical marijuana act, records kept by health department	§ 36-2810
Medical records	§ 12-2292 through -2294, § 20-2509, § 32-2552(C),(E), -2935(D),(E),(F), -3282(C), -3553(K), § 33-1258(B),(C), -1805(B),(C), § 36-136(H)(14) -160, -404, -2220, -2284, -2403, -2903(J), -2917(C), § 41-1378, -1606(B)
Mental health services	§ 36-507, -509, -517.02
Midwifery	§ 36-756.01
Mine Inspector, State, restrictions on divulging information by inspectors and employees	§ 27-127
Mined land reclamation	§ 27-930
Mineral appraisals, information relating to	§ 27-234(F)(G)&(H)

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Mineral exploration permit, terms of	§ 27-252(A)(8)
Minerals, Oil, and Gas, well records	§ 27-522(B)
Minors, infant care review committee pertaining to	§ 36-2284(C)
Mortgage guarantee insurance, information relating to reinsurance agreements	§ 20-1557(F)
Motion Picture Tax Incentives, applicant information	§ 41-1517, -1517.01
New Hires, employer reporting	§ 23-722.01(G)
MVD records, release of personal information	§ 28-455
Naturopathic Medicine	§ 32-1525, -1551.01(E)
Notarial acts	§ 41-319(A)
Notaries Public	§ 41-319(A)
Notarized forms	§ 41-1964(D), § 46-321(H)
Occupational safety and health, trade secrets	§ 23-426
Offenses against public order	§ 13-2913
Office of Ombudsman-Citizens Aide	§ 41-1376(A)(3), § 41-1377(E)-(G), -1378, -1379, -1380(D)
Ombudsman Citizen's Aide, records and files maintained by	§ 41-1380(D)
Operations of mines, complaint to inspector of dangerous conditions	§ 27-308
Open Meeting Law	§ 38-431.03(B)

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Opinion, Ombudsman-Citizens Aide preliminary	§ 41-1379
Opinion requests, Attorney General	§ 38-507
Organized crime	§ 13-2315
Parental consent proceedings	§ 36-2152
Parolees, address of victim and victim's immediate family	§ 31-412(F)
Patient information	§ 20-2509, § 32-2552(C),(E), § 32-2935(D),(E), (F), § 36-404, -405.01(D), -445.03, -507, -509, -562(f), -568.01, -697(G), -714, -845(F), -2917(C), -2932(F), -2986(E), § 41-1378
Peace officer residential address and telephone numbers	§ 11-483
Permit applications, copies or notices associated with	§ 49-111
Personal endangerment	§ 41-2167(C)(2)
Personal information maintained by professional boards	§ 32-3801, -4160, -4256, -4259
Personally identifiable information	§ 15-1045, § 36-340(C), § 41-1354, -1505.06, § 44-1280, § 46-135, -217(C), -218(C), -291, § 49-802(E), -1012

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Personnel materials	§ 36-3008(F), § 41-1279.02(B)
Personnel Board	§ 41-735(C),(D), -785(B)
Pesticides, trade secrets, commercial or financial information	§ 3-351(H)
Petroleum Industry Information	§ 44-1374
Photographing, surreptitious	§ 13-3018
Physician assistants	§ 32-2551(A), -2552(C),(E)
Planned communities, books and records	§ 33-1805(B),(C)
Pleadings and accompanying documents, family support duties	§ 25-638(C)
Police informants, identity of	§ 41-1378
Policy information and expiration dates, insurance on mortgaged property	§ 20-475.01
Pollution prevention	§ 49-967
Private Postsecondary Education Board	§ 32-2052(C), -3058(D)
Preliminary opinion or recommendation, Ombudsman-Citizens Aide	§ 41-1379
Pre-sentence reports	§ 13-4410, -4425
Prevention of Child Abuse Fund, donation application	§ 41-109
Prisoner care and custody, records relating to	§ 31-221(C)
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Proceedings	§ 36-2152, -2284(C), -2403
Procurement	§ 41-2533(D), -2534(D), -2535(B)(5), -2538(D), -2540(B)
Professional corporations	§ 10-2233
Programs, computer election, filing of	§ 16-445
Proposals	§ 41-2534(D), -2538(D)
Proprietary information	§ 13-3620(G), § 37-239(E), § 40-202(C)(5), § 41-1505.06(D), -1553.03(C), -2533(D), -2534(D)
Psychiatric security review board, confidential records	§ 31-502
Psychology board	§ 32-2081(A), -208, -2091.13

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Public Health, enhanced surveillance advisory, information related to	§ 36-783E), -785(C), -790(A)
Public health control	§ 36-664, -665, -666, -667(A)(2), -697(G), -714, -727
Public officers	§ 38-504
Public-private partnership in transportation, confidentiality and public disclosure	§ 28-7707
Public service corporations	§ 40-202(C)(5), -204(C)
Putative father registry, adoptions	§ 8-106.01
Rating organizations, information provided to	§ 20-364
Real estate, confidentiality of licensee's address	§ 32-2125.03
Receivers, information and records of appointed	§ 15-103(T), -107(M)
Records maintained by insurance administrators	§ 20-485.03(B)
Reinsurance intermediaries, basis for refusal to license	§ 20-486.01(E)
Renewable energy tax incentives, business information	§ 41-1511
Reporter and informant communications	§ 12-2237
Registrants, information pertaining to	§ 36-2523(C)
Registration forms, voter declination	§ 16-140(C)
Registration Forms, voting	§ 16-152(A)(21)

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Reporting violations, identity of persons reporting, Board of Physical Therapy	§ 32-2049
Respiratory Care Examiners Board	§ 32-3553(B),(K)
Risk-based capital for insurers, information pertaining to	§ 20-488.07
Rules promulgated for the protection of confidential information	§ 36-107
Sale of state lands	§ 37- 239(E)
School Accountability, records kept by State Board of Education	§ 15-241.01(J)
School District Governing Boards, general powers and duties, bullying	§ 15-341(A)(37)(d)
School district test results, annual report	§ 15-743(A)(3)
School records	§ 13-3411, § 15-141, -213, -350, -537, -551, -715, n., Laws 1994, 9th S.S., ch.2, § 30, -828, -1638
Sealed court records	§ 41-1378
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Shelters, for domestic violence	§ 36-3008, -3009, -3005
Silent witness program records	§ 12-2312
Silent witness reporting anonymity	§ 12-2311
Social Security Numbers, sequential use restrictions	§ 44-1373.02
Solar energy tax incentives, applications for	§ 41-1510.01
Spaying and neutering of animals fund, donation application information	§ 28-2422.02
Special advocates	§ 8-522
State contracts, information presented to JLBC in executive session	§ 38-658(A)
State Mine Inspector, public disclosure of information	§ 27-1231
Statistical data	§ 49-1012
Standard valuation law, memoranda in support of an opinion or other material	§ 20-510(C)(2)(g)
State Board of Appraisal, confidential records	§ 32-3656
State Board of Education and School District Governing Boards, non-disclosure of personally identifiable information.	§ 15-741
State Land Commissioner	§ 37-132(B)(4)
State Mine Inspector, restrictions on divulging information by inspectors and employees	§ 27-127
State Trauma Registry, personally identifiable information	§ 36-2221(D)

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Student records	§ 13-3411, § 15-551
Subscription Contracts, identity of the natural parent	§ 20-826(K)
Surveillance system, chronic disease information collected on individuals	§ 36-133(F)
Tax Collection	§ 28-5931(1), -5935, -5936, -5937, § 41-1279.04(C), -1378, § 42-1122 (M), -2001, -2002, -2003, § 43-381, § 49-205, -288(B)
Taxpayer communications	§ 42-2069
Taxpayer information	§ 27-239, § 41-1377(E), § 42-1122(M), -2001, -2002, § 43-381, § 49-205
Telephone or telegraph message, disclosure of without authority	§ 13-2913
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Telephone subscriber information	§ 44-1280
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Testimony and witness names, grand jury	§ 21-411(B)
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Transportation, accident reports required by city or town	§ 28-671
Transportation, information supplied for commercial purposes	§ 28-452(C)
Transportation, information pertaining to police officers	§ 28-454(F)
Transportation, information relating to tax collection	§ 28-5931(1)
Transportation, records exemption	§ 28-446(D)
Transportation, release of information prohibited	§ 28-450
Transportation, tax collection	§ 28-5931(1), -5935, -5936, -5937
Tuberculosis Control	§ 36-714, -727
Unclaimed Property	§ 44-323, -322
Underground storage tanks	§ 49-1012, -1017.01(D)
Uniform Controlled Substances Act, records pertaining to registrants	§ 36-2523(C)
Uniform State Antitrust Act	§ 44-1406
Uniform Trade Secrets Act	§ 44-405
Used oil program	§ 49-802(E)
Utilization Review, information concerning customers, patients, or utilization review plans	§ 20-2504(D),

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Utilization Review, information concerning patient
information and medical records

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§ 36-441(F)

Veterinarians

§ 32-2214(G),
-2237(G)

Victim communications

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Victims, personal information

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§ 31-412(F)

Victims of domestic violence, child custody and visitation

§ 25-439(D)

Victims rights, employee leave records

§ 13-4439(H)

Voter registration, information concerning

§ 16-112

Voter registration, personally identifiable information
concerning judges, justices and commissioners

§ 16-153

Voter registration forms

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Voter registration rolls, death records

§ 16-165

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-292.01(B),
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Well records, geothermal resources	§ 27-653
Well records, minerals, oil, and gas	§ 27-522(B)
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Workers compensation, information pertaining to the HIV virus	§ 23-1043.02