

5.1.2.070 Balancing Test (Approved by SRTF on February 7, 2008)

- A. Except as provided in this section, no record may be withheld on the basis that the public interest in withholding the information outweighs the public interest in disclosure, or that disclosure would reveal or interfere with the deliberative process of any City body, agency, department, official, or employee.
- B. Except as otherwise provided in this Open Government Ordinance or by state or federal law, the following specific categories of information may be withheld or redacted, if on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record:
1. Personal information provided to the City by a private individual, with the reasonable expectation that the information will remain confidential. "Personal information" means: name; passport, social security, driver's license, or other government-issued identification number; physical description; home address; home telephone number; personal e-mail address; financial, credit card, or debit card account number; or other information that would make the individual who submitted it readily identifiable.
 2. Identifying information regarding a City employee who: (a) provides information in the course of an investigation of the conduct of any City body, agency, department, official, or employee; and (b) is not a subject of the investigation. "Identifying information" means: names, unique job titles, or other information that would make the employee readily identifiable. Numerical or alphabetic designations will, to the extent possible, be substituted for names omitted from any record provided to the public.
 3. Information regarding: (a) actual or potential threats to the security of public facilities, essential public services, or public access to public facilities or essential public services, and planned or actual responses to such threats, or (b) other information the disclosure of which would create a serious risk of death or injury, serious economic harm, or harm to public facilities or essential public services that cannot reasonably be prevented through means other than nondisclosure.
 4. Records prepared for use in connection with a closed session of a policy body, to the extent that they consist of information that may properly be discussed in closed session. Such records shall be subject to disclosure to the same extent and pursuant to the same process as recordings or minutes of closed sessions.
- C. If the City determines that the public interest is served by not disclosing the information, the City Attorney must provide, in writing, a detailed justification. The person requesting the public information may appeal the City Attorney's determination to the Open Government Commission.