

Transparency in Action: The Wyoming Public Records Act

2026 WDE Parent Summit
May 11, 2026
Understanding Local Control

WYOMING PUBLIC RECORDS ACT (W.S. 16 -4-201 THRU 16 -4-205)

- **Governs State & Local Governments:**

Specifies statutory expectations for all state and local government entities, which include special districts.

- **Key Requirements:**

- Defining official roles and responsibilities.

- Ensure that a public records designee (serving as the “Official custodian of record,” has been adopted and their information provided to the Wyoming Department of A&I as required in W.S. 16-4-202(e).

- Governing the provision (release) of public records.

- **Scope of Limitations:**

The act does not apply to private entities, unless they are engaged with a governmental body in the utilization of public funds.

WHAT IS A PUBLIC RECORD? (W.S. 16-4-201(V))

A public record includes:

- **Any information in physical form** -paper, electronic, or other**media - created, accepted, or obtained** in furtherance of official function and transaction of public business which is not privileged or confidential in nature.
- **Written communication or other information** received or used to conduct public business, unless specifically privileged or confidential by law.

RESPONSE TIMELINES FOR PUBLIC RECORDS REQUESTS

Within seven (7) business days:

- Acknowledge the request.
- Notify the requester if you are not the custodian of record, if so who is and if the records are not available.

If records are readily available:

- **Provide them immediately** unless additional time is needed for redaction, review, retrieval from storage, or other legitimate reasons.
- Additional time may extend **to thirty (30) *calendar days** from the date of acknowledgment, unless another date is mutually agreed upon.

KEY CLARIFICATIONS (EFFECTIVE 7/1/2020)

- A **governmental entity** , not the “official custodian,” may establish rules for inspection of public records through a policy or resolution.
- Entities **must provide electronic records** in an alternative electronic format if requested, but are **not required to compile data, extract data, or create new documents** .
- Agricultural data exemptions apply **to surface and subsurface** information.

OFFICIAL PUBLIC RECORDS VS. OFFICE FILES & MEMORANDA

Official Public Records

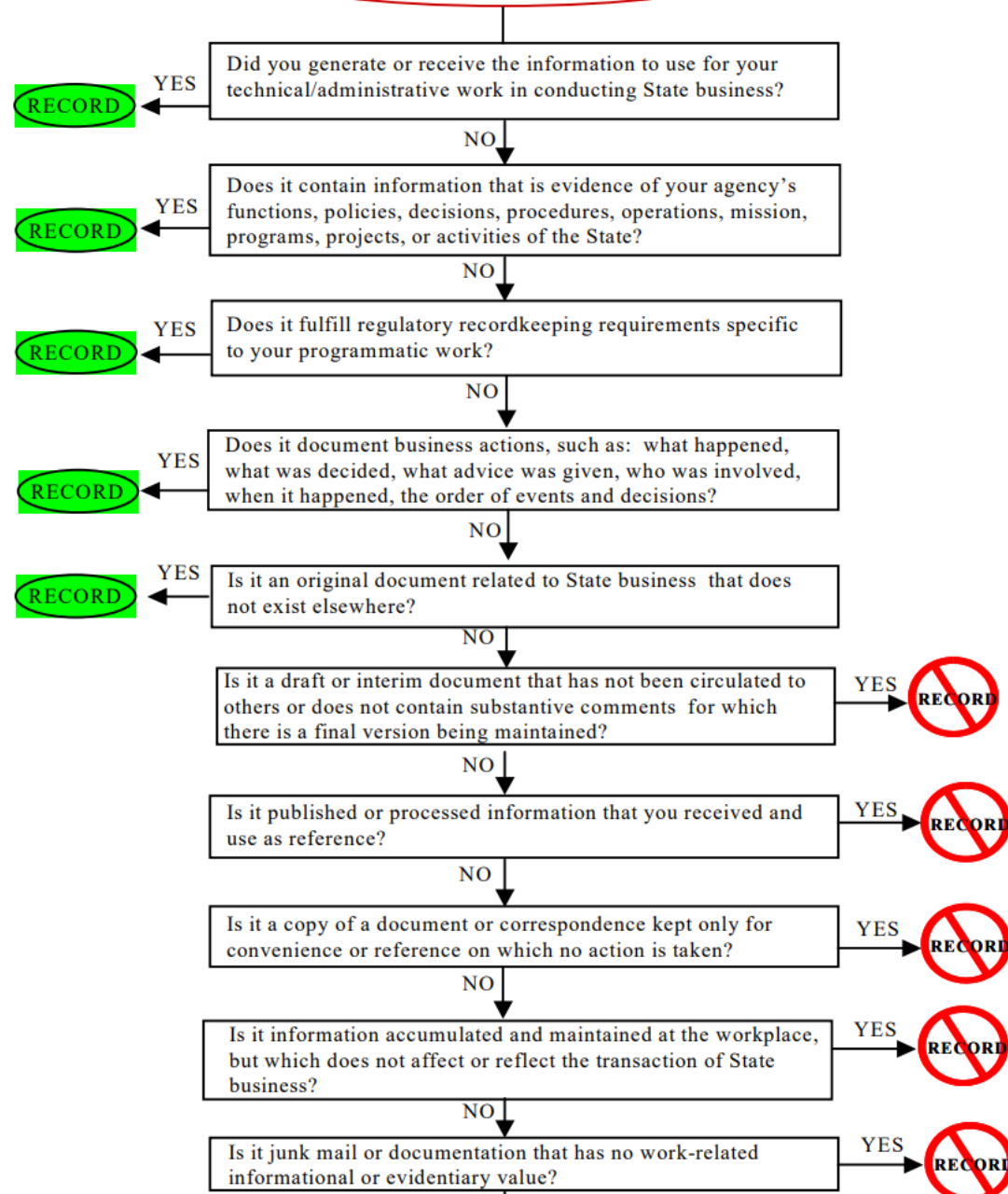
- Vouchers, receipts, and documents validating transactions involving public funds.
- All agreements and contracts.
- Fidelity, surety, and performance bonds.
- Claims filed against an agency.

Office Files & Memoranda

- Records, correspondence, exhibits, books, drawings, maps, blank forms, and other documents not expressly exempt.
- Duplicate copies of official records.
- Internal administrative documents and reports.

Is it a record?

Recorded Information



PUBLIC RIGHTS TO INSPECT AND COPY RECORDS

- The public may inspect and request copies of public records for a reasonable fee.
- Agencies must maintain a published fee schedule and clear policies.
- If the agency cannot make copies, it must arrange a method for the requester to do so.
- Electronic records must be provided in alternative electronic format when requested.
- Agencies are not required to compile data, create new documents, or allow inspection if doing so compromises security, integrity, or involves proprietary software.

EXEMPTIONS UNDER WPRA

General Exemptions

- Disclosure prohibited by **state statute** .
- Disclosure prohibited by **federal statute or regulation** (e.g., FERPA, HIPPA, Social Security numbers).
- Disclosure prohibited by **court order** .

Catch -All Exemption

- Disclosure that would cause substantial injury to the public interest.

Specific Exemptions

- 26 total: 7 discretionary and 19 mandatory.

DISCRETIONARY EXEMPTIONS

Items that may be withheld if disclosure is contrary to the public interest

- *Investigatory records.*
- *Test questions and scoring keys.*
- *Details of bona fide research projects.*
- *Real estate appraisals (with statutory exceptions).*
- *Intra-agency documents not available during litigation.*
- *State building records that could jeopardize security.*
- *Applications for president of higher education institutions.*

MANDATORY EXEMPTIONS

Must be withheld

- *Medical, physiological, and sociological data (HIPPA).*
- *Adoption and welfare records.*
- *Personnel files (employee vs. contractor rules vary).*
- *Letters of reference.*
- *Trade secrets and confidential commercial/financial information.*
- *Donated library/museum materials with restrictions.*
- *Hospital Records (HIPPA).*
- *Student records (FERPA, PII, PPRA).*
- *Income tax returns.*

MANDATORY EXEMPTIONS (CONTINUED)

- Library patron records.
- 911 call information.
- Personnel investigation files involving unwarranted privacy invasion.
- State IT system information.
- Records on diagnoses or infectious diseases held by the State Veterinarian.
- Agricultural operation information (surface and subsurface).
- Workers' compensation individual records.
- Consensus revenue estimating group records.
- Certain police officer recordings.
- Investment funds committee records.

REDACTIONS

- Agencies must redact exempt information and release the remainder of the record.
- If exempt information is pervasive, the entire record may be withheld.

CAVEATS & PENALTIES

- Knowingly violating WPRA may result in **civil penalty up to \$750** .

The information contained in this presentation is provided as a general overview of the Wyoming Public Records Act (W.S. ~~46~~¹⁶201 et seq.). It is not intended to constitute legal advice, nor is it inclusive of every provision of the WPRA. Please consult the official Wyoming Statutes for the complete and current text of the law and of course your knowledgeable AG Representative for assistance.

The Family Educational Rights and Privacy Act or FERPA (20 U.S.C. § 1232g; 34 CFR Part 99)

- The Family Educational Rights and Privacy Act or FERPA (20 U.S.C. § 1232g; 34 CFR Part 99) provides certain rights for parents regarding their children's education records. When a student reaches 18 years of age or attends an institution of postsecondary education at any age, the student becomes an "eligible student," and all rights under FERPA transfer from the parent to the student. This guide discusses an eligible student's rights under FERPA

Resources & Questions

For Additional guidance please contact:

- Wyoming Public Records Ombudsman -Darlena Potter
pr.ombudsman@wyo.gov
(307) 777-5119

Useful Links for Resources

- US Department of Education-Student Privacy Policy Office-
<https://studentprivacy.ed.gov/resources/parent-guide-family-educational-rights-and-privacy-act-ferpa>
- Wyoming Department of Information and Administration-Who is the records designee?- <https://datastudio.google.com/reporting/3fb248b7-50d3-4712-892b-3969ba34664a/page/iXyFB?s=h6V5OTh-Gfg>
- Wyoming Public Records Ombudsman Page-Information- <https://governor.wyo.gov/contact/public-records-ombudsman>

QUESTIONS

