



# KIOWA TRIBE

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OFFICE OF THE LEGISLATURE

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## KIOWA TRIBE RESOLUTION NO. KL-CY-2017-023

### RECORDS MANAGEMENT AND ACCESS TO INFORMATION ACT

At a duly called Session of the Legislature of the Kiowa Tribe held this 9<sup>th</sup> day of September 2017, the following Resolution and Law were adopted.

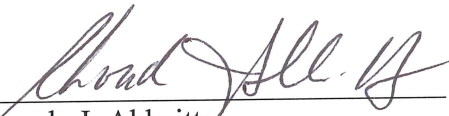
**WHEREAS;** the Legislature is vested with the authority to pass laws and resolutions pursuant to Article VI, Section 6(a) of the Constitution of the Kiowa Tribe; and,

**WHEREAS;** Article VI, Section 8 of the Constitution and Article I, Section 1(n) of the Bill of Rights requires the Tribe to establish an Office of Records Management to maintain important records of the Tribe, and to provide members of the Tribe with access to such records.

**NOW THEREFORE IT BE IT RESOLVED;** that the Legislature hereby enacts the attached law entitled, "RECORDS MANAGEMENT AND ACCESS TO INFORMATION ACT".

### CERTIFICATION

The foregoing resolution KL-CY-2017-023, was duly voted upon by the Legislature on September 09, 2017, at a Session with a vote of ( 7 ) favor, ( 0 ) opposed, ( 0 ) abstaining, and ( 0 ) absent, pursuant to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.

  
Rhonda J. Ahhaitty  
Secretary of the Legislature



**LEGISLATURE - RESOLUTION NO. KL-CY-2017-023:**

**SPONSOR:** Renee M. Plata, Secretary of the Legislature

**CO-SPONSOR:** Rhonda Ahhaitty, Secretary of the Legislature; Ronald Poolaw, Sr., Legislator; Anita Onco-Johnson, Legislator; G. Dave Geimausaddle, Legislator; Modina Waters, Legislator; Ben Wolf, Legislator.

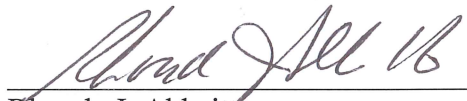
LEGISLATORS	YES	NO	ABSTAIN	ABSENT
Renee M. Plata	X			
Rhonda J. Ahhaitty	X			
Ronald C. Poolaw, Sr.	X			
Dave Geimausaddle	X			
Anita Onco-Johnson	X			
Modina M. Waters	X			
Ben Wolf	X			

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**DELIVERY OF THE RESOLUTION AND LAW TO THE CHAIRMAN**

Resolution No. KL-CY-2017-023, was presented to the Chairman of the Kiowa Tribe on the 12<sup>th</sup> day of September 2017, pursuant to the Article VI, Section 8(a)(iv) of the Constitution of the Kiowa Tribe, and will become effective after signature by the Chairman or veto override by the Legislature, and as otherwise required by the Constitution.

  
Rhonda J. Ahhaitty  
Secretary of the Legislature

**CHAIRMAN'S ACTION:**

APPROVED

VETO - RETURNED TO LEGISLATURE WITH EXPLANATION:

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On this \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
Chairman

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Presented by the Chairman to the Legislature on the \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

**LEGISLATURE'S ACTION:**

**Override of Chairman's veto:**

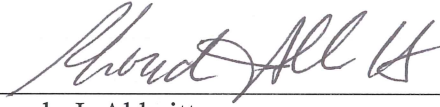
YES

NO

LEGISLATORS	YES	NO	ABSTAIN	ABSENT
Rhonda J. Ahhaitty				
Renee M. Plata				
Ronald C. Poolaw, Sr.				
Dave Geimausaddle				
Anita Onco-Johnson				
Modina M. Waters				
Ben Lucero Hovakah-Wolf				

## CERTIFICATION

The foregoing resolution KL-CY-2017-023, was duly voted upon by the Legislature on September 09, 2017, at a Session with a vote of ( 7 ) favor, ( 0 ) opposed, ( 0 ) abstaining, and ( 0 ) absent, pursuant to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.

A handwritten signature in cursive script, appearing to read "Rhonda J. Abhaitty", written over a horizontal line.

Rhonda J. Abhaitty  
Secretary of the Legislature

## RECORDS MANAGEMENT AND ACCESS TO INFORMATION ACT

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## RECORDS MANAGEMENT AND ACCESS TO INFORMATION ACT

### 00.102 TITLE.

This chapter shall be known as the “Records Management Act” or “Act”.

### 00.104 PURPOSE.

a. The purpose of this Act is to provide for a system of retaining and managing all public records of the Kiowa Tribe (“Tribe”). This Act shall govern documents generated by the Tribe’s government, including all Departments, Commissions, Enterprises, Programs, Boards, or Agencies. The enactment of this Act shall establish a uniform and timely manner for managing all of the Tribe’s records, including but not limited to:

- 1) Constitution
- 2) treaties
- 3) compacts
- 4) laws (including the annual budget)
- 5) ordinances
- 6) resolutions (introduced and adopted)
- 7) codes
- 8) court opinions
- 9) regulations and formal rules
- 10) policy and procedure manuals
- 11) land records
- 12) contracts
- 13) memoranda of agreement or understanding
- 14) executive orders, memos, and letters
- 15) meeting minutes
- 16) grant proposals
- 17) grant award documents
- 18) reports
- 19) grant reports
- 20) travel reports
- 21) studies
- 22) documentaries (written, video, or audio)
- 23) maps
- 24) photographs
- 25) any other document, or paper created, generated, or adopted by the government, its agencies, programs, enterprises, and its departments.

b. The enactment of this Act shall also establish a uniform and timely manner for managing all other records that may deal with the Tribe, including but not limited to:

- 1) Documents of the United States, including but not limited to:
  - (A) statutes

- (B) executive orders
- (C) federal court opinions
- (D) memoranda, especially BIA and IHS
- (E) reports

2) Documents of the State of Oklahoma, including but not limited to:

- (A) statutes
- (B) executive orders
- (C) federal court opinions
- (D) memoranda
- (E) reports

b. Nothing in this Act shall prevent the Legislature from keeping and maintaining a separate record of its proceedings, Bills, enactments, Legislative Orders, and any other document(s) designated by the Secretary, Speaker and/or by the Legislature.

**00.106 AUTHORITY TO ENACT.**

This law is enacted under the authority of Article VI, Section 6(a) of the Constitution of Kiowa Tribe (“Constitution”), which states, “[The Legislature shall have the power to make laws and resolutions in accordance with the requirements of the Constitution.”

**00.108 DEFINITIONS.**

a. For the purpose of this chapter the term:

1. “Authority” shall mean any of the following having custody of any record: any Tribal office, elected official, agency, board, commission, committee, or public body corporate or politic created by the Constitution, law or ordinance, rule or order; a governmental or quasi-governmental corporation; any court of law; the Legislature; any organization which receives over 40 % of its funds from the Tribe; or a formally construed sub-unit of any of the foregoing.

2. “Classified Record” means privileged information relating to litigation, contract negotiations, and personal information including, but not limited to, attorney-client correspondence and individual personnel files.

3. “Committed Person” shall mean a person who is committed to an inpatient mental health treatment facility during the period that the person remains an inpatient at such mental health treatment facility.

4. “Confidential Records” are communications, documents, or information between persons who stand in a confidential or fiduciary relationship to each other who are under a duty of secrecy and loyalty as established by law.

5. “Legislature” means Kiowa Tribe Legislature.

6. "Department" shall mean a government department, entity, authority, program, office, tribe-owned or controlled corporation, organization, or their authorized agents.
7. "Entity" shall mean any business, corporation, authority, or firm funded or managed by the Tribe.
8. "Incarcerated Person" shall mean a person who is incarcerated in a penal facility during the period the person is confined.
9. "Incompetent Person" shall mean a person who has been declared legally incompetent by a court, an un-emancipated minor or a person under guardianship.
10. "Office" or "Records Office" shall mean the Office of Records Management.
11. "Person" shall mean any human being, company, corporation, organization, agency, or non-Tribal governmental body or other entity.
12. "Public Records" are limited to laws, ordinances, resolutions, regulations, policies, and procedures, and any executive memorandum or correspondence.
13. "Personally Identifiable Information" shall mean all information, which, through one or more identifiers or through other information or circumstances, can be associated with a particular individual. All Records containing Personally Identifiable Information, including, but not limited to personnel records, shall be treated as Classified Records.
14. "Personal Representative" shall mean the parent, guardian or legal custodian of a child, the guardian of an individual adjudicated incompetent, the personal representative or spouse of a person who is deceased, or any person authorized, in a signed writing, by the individual to exercise the rights granted under this Act.
15. "Record" means written, drawn, printed, spoken, digital, or electronically recorded information, which has been created or is maintained by the Tribe, its agencies or departments. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, pictures, photographs, films, recordings, tapes, (including video recording device or computer storage media), optical disks, and computer printouts. "Record" does not include drafts, notes, or preliminary calculations prepared for personal use or prepared by an assistant for her supervisor, or materials which are purely for personal use and have no relation to employment duties.
16. "Records Custodian" refers to a person employed in the Office of Records Management to carry out the functions of the Office.
17. "Records Management System" is a system whereby the records of the Tribe are retained and managed in an organized manner.



18. "Requester" shall mean any person who requests inspection or copies of a record, except a committed or incarcerated person, unless the person requests inspection or copies of a record that contains specific references to that person or his or her minor children for whom he or she has not been denied physical placement, and the record is otherwise accessible to the person by law.

b. All words, phrases and terms in this Act shall be construed and interpreted so as to give effect to the ordinary, common meaning and understanding.

c. The word "shall" shall be construed to be mandatory and the word "may" shall be construed to be permissive.

#### **00.110 CREATION OF OFFICE.**

An Office of Records Management is hereby established. The Office shall be located within the Executive branch of government and shall be responsible for the preservation, storage, and dissemination of all records under this Act, and other duties as assigned. The Office shall develop a system to index and access all Records.

a. The Office is hereby delegated the authority to create policies and regulations consistent with the provisions of this Act governing document management regarding:

1. Collection of all Records.
2. Storage of all Records;

Provided, that the regulations do not conflict with any law of the Tribe regarding privacy rights.

b. The Office shall:

1. develop Rules of Conduct for its employees who are involved in collecting, maintaining, using, providing access to, sharing, or archiving Personally Identifiable Information, Confidential Records, Classified Records and Restricted Records, and

2. ensure that Office employees know their duties and responsibilities relating to protecting personal privacy.

#### **00.112 ACCESS TO RECORDS.**

The public shall have the right to inspect any Public Record and shall have the right to obtain copies of any Public Record. This Act shall not be interpreted in a manner so as to deny access to Public Records to employees of the Tribe, its agencies, or departments. This law in no manner shall waive any immunities or privileges of the Tribe. Except as otherwise provided in this Act, unless otherwise required under Federal law, the laws of the Tribe, or court order, no Agency other than the Office shall provide any Person access to any Public Record, Confidential Record, Classified Record, or Restricted Record.

**00.114           DIRECTOR.**

There is hereby established a position titled Director of the Office of Records Management ("Director"). The Director shall be responsible for the operation of the Office.

**00.116           DUTIES OF THE OFFICE OF RECORDS MANAGEMENT.**

a.       The Records Office shall be charged with collecting, obtaining, logging, indexing, and filing all records and documents generated by the Tribe, its agencies or departments. The Office shall assure that all records are maintained in compliance with this Act. The Office shall make regular reports to the Chairman and the Legislature regarding compliance with this Act by other departments, agencies, entities, and programs.

b.       The Records Office shall, within 60 days of the enactment of this Act, begin to conduct a review of all records currently housed, maintained, or kept by the Tribe, including its departments, programs, entities, or agencies.

c.       The Records Office shall, within 90 days of the enactment of this Act, present to the Chairman and Legislature a comprehensive list of the types of records created by the Tribe, its departments, agencies, or entities. The Director shall classify each record into one of the following four categories: 1) Public, 2) Confidential, 3) Restricted, or 4) Classified.

d.       The Records Office shall develop forms for all requests for records. Such forms shall be made available to the public either in the Office, electronically, or by U.S. mail.

e.       The Records Office shall make Public Records available to all persons, except as otherwise provided in this Act, who submits the proper request form. Public Records are to be inspected or copied only in designated areas within the Office. The Records Office may provide copies for a nominal fee. The Records Office shall ensure that all lost, stolen, or damaged records are replaced. Originals may be available for Public Inspection, but may not be removed from the Department for any reason.

f.       The Records Office shall preserve copies of all Record requests. These copies of Record Requests shall be considered Classified.

g.       The Department which created the document shall maintain a copy and forward the original to the Records Office.

**00.118           CONFIDENTIAL RECORDS.**

All documents, other than Public Records, generated by the Tribe or its departments, agencies, or enterprises are considered confidential. Confidential Records shall not be released to any Person other than an employee of the Tribe for employment purposes, unless such release complies with this Act. Intentional or *negligent* disclosure or theft of Confidential Records by an employee shall be grounds for immediate termination.

**00.120 CLASSIFIED RECORDS.**

- a. All records designated as “classified” shall be stamped as such on each page, stapled, and maintained in a specially secured place in the Records Office.
- b. No person shall have access to classified records except the Director in consultation with the Chairman. No court shall subpoena classified records. Any other person requesting to inspect a classified record shall submit a written request to the Director stating the reason that the record is requested. The Director shall permit inspection of classified records only upon good cause shown and prior approval of the Chairman. The Director shall also consult the Tribe’s attorneys prior to disclosure of any classified record.
- c. No person shall make copies of classified records, or remove classified records from the Office viewing area.

**00.122 RESTRICTED RECORDS.**

- a. All records designated as “restricted” shall be stamped as such on each page, stapled, and maintained in a separately secured place in the Records Office.
- b. No person shall have access to restricted records except the Director or the Chairman. Any other person requesting to inspect a restricted record shall submit a written request to the Director stating the reason that the restricted record is requested. The Director shall permit inspection of restricted records only upon good cause shown and prior approval of the Chairman. Access to restricted records shall only be permitted with the consent of the Tribe’s attorneys prior to disclosure of restricted records.
- c. Any record requested by a person who is not a member of the Tribe shall be treated as a restricted record for the purpose of responding to such request, unless the document is marked “classified”, in which case the record shall be treated as a classified record.

**00.124 ADOPTION OF THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996.**

- a. The Tribe specifically Adopts the Health and Insurance Portability and Accountability Act of 1996, hereinafter “HIPAA,” and the supporting regulations and hereby incorporates the relevant provisions into this Act. Any revisions to HIPAA and/or its regulations are hereby automatically incorporated into this Act.
- b. The Tribe shall enforce HIPAA as enumerated in this Act. Any individual found to have violated the provisions of HIPAA shall be subject to the Penalties enumerated within this Act.
- c. A custodian of any health records shall apply the rules within HIPAA to all its transactions and dealing with insurers, individuals, and agencies, and shall not be required to submit a record to the Office if such record is covered by HIPAA.

**00.126 DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION PROHIBITED.**

Records containing Personally Identifiable Information shall not be disclosed without the consent of the person identified, unless required by subpoena. If the person identified in the record is deceased or unable to be located, the Records Office shall consult with next of kin prior to disclosure. If a record incidentally contains Personally Identifiable Information, the Office shall fully redact the Personally Identifiable Information prior to releasing the record.

**00.128 INFORMATION SOURCES.**

All Tribal Agencies, Programs, Entities, Enterprises, and Departments shall be required to provide all information enumerated in Section 00.130 to the central repository.

**00.130 INFORMATION TO BE PROVIDED.**

All affected Agencies, Enterprises, and Departments, shall provide the following to the Records Office:

- a. All records dealing with the policies and procedures of each department or agency.
- b. All manuals of operations of each department.
- c. All resolutions, codes, laws, or legislation passed affecting each department or agency.
- d. All contracts, agreements, or other pacts entered into by or on behalf of the agency or department.

**00.132 MAINTENANCE/FILING.**

- a. A duplicate of all newly passed codes, ordinances, amendments, resolutions, etc, shall be provided to the Records Office within twenty (20) business days of the action. Copies of all records currently in existence and housed or retained by any Department shall be forwarded to the Office within twenty (20) days of a request from the Records Custodian.

**00.134 RIGHT TO CHALLENGE RECORDS; CORRECTIONS.**

- a. Except as provided under subsection b. of this Section, any person or his or her personal representative may challenge the accuracy of a record containing personally identifiable information of such person if such person is authorized to inspect the record under the laws of the Tribe and such person notifies the Records Office, in writing, of the challenge. After receiving the notice, the Office shall do one of the following:

1. After agreeing in writing to the accuracy of the challenge, concur with the challenge and correct the information; or

2. Deny the challenge and notify the person or his or her Personal Representative of the right to judicial review.

b. This Section shall not apply to the any record if any other applicable law governs challenges to the accuracy of the record.

#### **00.136 PRESERVATION OF RECORDS.**

a. The Records Office shall keep and preserve all records indefinitely through the use of computer storage, disks, and hard copy. Hard or paper copies shall be kept for a minimum of 10 years. After ten years all records may be converted to computer storage or successor technologies. All computer files shall be maintained in reverse chronological order by year, with information from all Departments. All hard copies of the records shall be bound together in large binders sorted by year and shall be filed in reverse chronological order under each Department heading.

b. The Records Office shall take precautions to ensure records will survive any disaster or catastrophe caused by man or nature which potentially could destroy records of the Tribe.

#### **00.138 ESTABLISHMENT OF ARCHIVES**

a. There is hereby established within the Office of Records Management an archives collection.

b. The archives shall be the repository of all original records of historical significance or any copy if no original is in the Tribe's possession.

#### **00.140 TRANSFER OF MATERIALS TO ARCHIVES**

a. Any hard copies of any records in any office of the Tribe which are not required for current use may, in the discretion of the Records Office, be transferred to the archives collection.

b. The proper officer of the Tribal Court may, on order of the judge, transfer to the archives title to such court records as have been copied or otherwise recorded and which are deemed by the archives to be of historical value.

c. Any other records which are of historic value and are not required for current use may, in the discretion of the Office, be transferred into the custody of the archives as Trustee for the Tribe, and thereupon shall become a part of the permanent collections of the archives.

d. Documents in the archives collection may only be viewed by members of the public or copied only by the Director of the Records Office.

## **00.202 RECORDS RELEASE.**

a. Any Person desiring access to any record shall submit a request to the Records Office by completing a records request form. Such requests shall be reviewed by the Office for completeness and specificity. Any request for records which is not specific enough to provide adequate identification as to the Records requested may be denied.

b. Any request to view records shall be granted, provided that the request specifically states the name and address of the person requesting the records, the reason that the person needs the records, the date, and, if required, that the person making the request has obtained the necessary permission.

c. If permission is necessary before a requested record can be disclosed, the Records Office shall promptly notify the requestor that the records are either Classified, Confidential, or otherwise restricted or personal, and inform the requestor of the procedures necessary for obtaining access, if any.

d. Any Public Record shall be made available for inspection and/or copy upon completion of a records request form and upon payment of copying fees and services charges payable to the Records Office and in accordance with any other requirements of this Act. All records to be inspected shall be signed for and shall only be viewed in the Office viewing area. Copying fees and service charges shall be determined annually by the Office and shall be clearly identified and posted in the Office. Processing by the Office personnel shall be within a reasonable amount of time of the request depending upon other processing demands. No person shall be permitted to obtain records without the written permission of the Records Office so as to avoid the loss, theft, misfiling, or misuse of any records.

## **00.204 SALE OF NAMES OR ADRESSES**

The Office of Records Management, any Department, or any official or employee of the Tribe may not sell or rent any record containing a person's name, address, or other contact information unless specifically authorized by law. The collection of fees to copy pursuant to §00.202 is not a sale or rental under this Act.

## **00.206 UNIFORM RECORDS NUMBERING SYSTEM**

Any record created by, or caused to be created by, any Department shall be numbered in the manner set forth in this Section. All such records, however created, shall be maintained in ascending order of number by both the Records Office and the Department which created the record. Each type of document shall be maintained separately in a place and manner so as to be reasonably accessible.

a. All resolutions of any Commission, Board, or Committee shall be numbered using the following system:

1. the Department or Committee name shall be the first entry

2. the letter "R," shall be the second entry,
3. the year during which the resolution was adopted or passed shall be the third entry,
4. the four-digit number of the resolution shall be the final entry. Each resolution shall be numbered sequentially.

5. Example: Under this system, the first resolution adopted by Gaming Commission on July 1, 2006, shall be numbered: "Gaming Commission, R-2017-07-01."

b. All written executive orders of the Office of the Chairman shall be numbered using the following system:

1. the word "Chairman" shall be the first entry,
2. the letter "EO," shall be the second entry,
3. the year during which the executive order was issued along with the two digit number corresponding to the month during which the executive order was issued shall be the third entry,
4. the two-digit date on which the executive order was issued shall be the final entry.

5. Example: Under this system, an executive order issued by the Office of the Chairman on July 26, 2017, shall be numbered: "Chairman, EO-2017-07-26."

c. All meeting minutes of any Department, Board, Commission, or Committee meeting shall be numbered using the following system:

1. the Department or Committee name shall be the first entry,
2. the letter "X," shall be the second entry,
3. the year during which the meeting was held along with the two digit number corresponding to the month during which the meeting was held shall be the third entry,
4. the two-digit date on which the meeting was held shall be the final entry.

5. Example: Under this system, the Minutes for a meeting of the Election Commission held on July 22, 2017, shall be numbered: "Election Commission, X-2017-07-22."

d. All laws enacted by the Legislature shall be numbered using the following system:

1. the name of the Legislature shall be the first entry
2. the letter "R," shall be the second entry,
3. the year during which the resolution and law were adopted or passed shall be the third entry,
4. the four-digit number of the resolution and law shall be the final entry. Each resolution shall be numbered sequentially.

5. Example: Under this system, the first resolution and law enacted by Legislature on July 17, 2017, shall be numbered: "Legislature, R-2017-07-17."

e. All exhibits of the Legislature, Chairman, or any Department shall be numbered using the following system:

1. the originating office shall be the first entry,
2. the letter "E," shall be the second entry,
3. the year during which the exhibit was created or used, followed by the two digit number corresponding to the month during which the exhibit was created or used shall be the third entry,
4. a four-digit number for each exhibit created in a month shall be the final entry.

5. Example: Under this system, the fifth exhibit produced during any covered meeting on the July 5, 2017, shall be numbered: "Chairman, E-2017-07-05."

f. The Records Office may make reasonable adjustments to the aforementioned numbering systems for clarity and consistency.

## **00.208 PENALTIES.**

a. **EMPLOYEE DISCIPLINE.** Any employee who violates this Act may be discharged or suspended without pay.

b. Any person who willfully collects, discloses, or maintains Personally Identifiable Information in violation of federal law, the law of the Tribe, or this Act may be required to forfeit not more than \$1,000 for each violation.

c. Any person who willfully requests or obtains Personally Identifiable Information from an authority under false pretenses may be required to forfeit not more than \$2,000 for each violation.



**00.210 RECORD DESTRUCTION.**

The Council, Office of the Chairman, or any Department shall not destroy any record at any time after receipt of a request for inspection or copying of the record until after the request is granted or until at least 90 days after the date that the request is denied, or if the requester is a committed or incarcerated person, until at least 180 days after the request is denied. If the Records Office or any Department receives written notice that an action relating to a record has been commenced under Section 00.218, the record may not be destroyed until after the order of the court in relation to such record is issued and the deadline for appealing that order has passed, or if appealed, until after the order of the court hearing the appeal is issued. If the court orders the production of any record and the order is not appealed, the record may not be destroyed until after the request for inspection or copying is granted.

**00.214 LIMITATIONS TO ACCESS**

a. Law enforcement records. Except as otherwise provided by law, whenever federal law or regulations require, or as a condition to the receipt of aids by the Tribe, that any record relating to investigative information obtained for law enforcement purposes be withheld from public access, then that information is exempt from disclosure under §00.120.

b. Identities of Law Enforcement Informants.

1. In this subsection:

A. "Informant" means an individual who requests confidentiality from a law enforcement agency or department in conjunction with providing information to that agency or department or, pursuant to an express promise of confidentiality by a law enforcement agency or department or under circumstances in which a promise of confidentiality would reasonably be implied, provides information to a law enforcement agency or department or is working with law enforcement to obtain information, related in any case to any of the following:

(i) Another person who the individual or the law enforcement agency or department suspects has violated, is violating, or will violate, a federal law, the law of any state, or the Tribe.

(ii) Past, present, or future activities that the individual or law enforcement agency or department believes may violate a federal law, a law of any state or any Tribe.

B. "Law enforcement agency" shall mean any agency or department of the Tribe or Federal Government designed to serve the public interest and enforce the laws and includes the department of corrections.

2. If an Authority that is a law enforcement agency receives a request to inspect or copy a record or portion of a record under § 00.202 that contains specific information

including but not limited to a name, address, telephone number voice recording or handwriting sample which, if disclosed, would identify an informant, the authority shall delete the portion of the record in which the information is contained, or, if no portion of the record can be inspected or copied without identifying the informant, shall withhold the record unless the legal custodian of the record, designated by law, makes a determination, at the time the request is made that the public interest in allowing a person to inspect, copy, or receive a copy of such identifying information outweighs the harm done to the public interest by providing such access.

#### **00.216 OFFICIAL TRIBAL BUSINESS**

Employees, Agents, and Officers of the Tribe may require the Office to conduct research and make copies of records without fees for official government business.

#### **00. 218 TIME FOR COMPLIANCE AND PROCEDURES**

a. After the requirements of Section 00.107 have been met, the Records Office, upon request for any record that is not a public record, shall, within twenty (20) days after the receipt of such request (excepting Saturdays, Sundays, and holidays) either fulfill the request or notify the requester of the Office's or the Department's determination to deny the request in whole or in part and the reasons therefor.

b. If the Records Office receives a request from a person or his or her Personal Representative which states that the purpose of the request is to review a record containing Personally Identifiable Information pertaining to such person, the Office shall grant or deny the request in accordance with the following procedure:

1. The Office shall first determine if the requestor may lawfully inspect or obtain a copy of the record.

2. If the Office determines that the requester may lawfully inspect or obtain a copy of the record, the Office shall grant the request.

3. If the Office determines that the requester may not lawfully inspect or obtain a copy of the record, the Office shall notify the requestor in writing of its denial and inform the requestor that such determination is final for purposes of judicial review.

#### **00.302 SOVEREIGN IMMUNITY.**

Nothing within this Act shall be construed to waive the Tribe's sovereign immunity.

#### **00.304 INCONSISTENT LAW.**

Any provision of the Tribe's law which is inconsistent with this Act is hereby repealed or amended.

#### **00.306 EFFECTIVE DATE.**

This Act shall become effective sixty (60) days after enactment.

**00.308 SEVERABILITY.**

In the event a court of competent jurisdiction finds invalid any word, phrase, paragraph, or section of this Act, such invalid word, phrase, paragraph, or section shall be severed from the remaining body of the Act, and the remainder of the Act shall remain in full force and effect.

**00.310 PROMULGATION OF REGULATIONS.**

The Office of Records Management is hereby delegated the authority to enact regulations relating to the Office. Any regulations enacted pursuant to this Act shall have the force of law. The Office shall enact no regulation unless notice is first given to the public and the public is given thirty (30) days to respond to the proposed regulation.