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SENATE BILL DRS45131-MC-132

Short Title: Government Transparency Act of 2025. (Public)

Sponsors: Senators Sanderson and B. Newton (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO STRENGTHEN CONFIDENCE IN GOVERNMENT BY INCREASING
3 ACCESSIBILITY TO CERTAIN PUBLIC PERSONNEL PERFORMANCE AND
4 DISMISSAL RECORDS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1.(a) G.S. 126-23 reads as rewritten:

7 "§ 126-23. Certain records to be kept by State agencies open to inspection.

8 (a) Each department, agency, institution, commission and bureau of the State shall
9 maintain a record of each of its employees, showing the following information with respect to
10 each such employee:

11 ...
12 (10) ~~Date-Subject to subsection (g) of this section, date and general description of~~
13 ~~the reasons for each promotion of the following with that department, agency,~~
14 ~~institution, commission, or bureau-bureau:~~

15 a. Promotion.

16 b. Demotion.

17 c. Transfer.

18 d. Suspension.

19 e. Separation.

20 f. Dismissal.

21 (11) ~~Date and type of For each dismissal, suspension, or demotion dismissal for~~
22 ~~disciplinary reasons taken by the department, agency, institution, commission,~~
23 ~~or bureau. If the disciplinary action was a dismissal, bureau, a copy of the~~
24 ~~written notice of the final decision of the head of the department setting forth~~
25 ~~the specific acts or omissions that are the basis of the dismissal.~~

26 (12) The office or station to which the employee is currently assigned.

27 ...
28 (f) Nothing in this section shall be construed to authorize the disclosure of any
29 confidential information protected by the Health Insurance Portability and Accountability Act of
30 1996 (HIPAA), 110 Stat. 1936, the Americans with Disabilities Act of 1990 (ADA), 104 Stat.
31 327, or other applicable law.

32 (g) The following shall apply to the general descriptions as required by subdivision
33 (a)(10) of this section:

34 (1) No general description shall disclose information otherwise prohibited from
35 disclosure by an applicable law but shall be listed as "description of action
36 prohibited by applicable law."



(2) The general description for each promotion, demotion, transfer, suspension, separation, or dismissal shall become part of the record maintained under subsection (a) of this section upon the later of the expiration of the time period to file an appeal under any applicable administrative appeals process or a final decision being entered in that administrative appeals process."

SECTION 1.(b) G.S. 126-22(b) reads as rewritten:

"(b) For purposes of this Article the following definitions apply:

(1) "Employee" means any current State employee, former State employee, or applicant for State ~~employment~~employment subject to this Article.

(2) "Employer" means any State department, university, division, bureau, commission, council, or other agency subject to ~~Article 7 of this Chapter~~this Article. The term "university" shall include all of the following, as defined in G.S. 116-2:

- a. The Board.
- b. The Board of Trustees.
- c. Chancellor.
- d. Constituent institutions.
- e. The President.

...."

SECTION 2. G.S. 115C-320 reads as rewritten:

"§ 115C-320. Certain records open to inspection.

(a) Each local board of education shall maintain a record of each of its employees, showing the following information with respect to each employee:

...

(10) ~~Date~~Subject to subsection (e) of this section, date and general description of the reasons for each ~~promotion~~of the following with that local board of ~~education~~education:

- a. Promotion.
- b. Demotion.
- c. Transfer.
- d. Suspension.
- e. Separation.
- f. Dismissal.

(11) ~~Date and type of~~For each dismissal, suspension, or demotion ~~dismissal~~ for disciplinary reasons taken by the local board of ~~education~~education. ~~If the disciplinary action was a dismissal,~~ a copy of the written notice of the final decision of the local board education setting forth the specific acts or omissions that are the basis of the dismissal.

(12) The office or station to which the employee is currently assigned.

...

(d) Nothing in this section shall be construed to authorize the disclosure of any confidential information protected by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 110 Stat. 1936, the Americans with Disabilities Act of 1990 (ADA), 104 Stat. 327, or other applicable law.

(e) The following shall apply to the general descriptions as required by subdivision (a)(10) of this section:

(1) No general description shall disclose information otherwise prohibited from disclosure by an applicable law but shall be listed as "description of action prohibited by applicable law."

(2) The general description for each promotion, demotion, transfer, suspension, separation, or dismissal shall become part of the record maintained under

subsection (a) of this section upon the later of the expiration of the time period to file an appeal under any applicable administrative appeals process or a final decision being entered in that administrative appeals process."

SECTION 3. G.S. 115D-28 reads as rewritten:

"§ 115D-28. Certain records open to inspection.

(a) Each board of trustees shall maintain a record of each of its employees, showing the following information with respect to each employee:

(10) ~~Date~~ Subject to subsection (e) of this section, date and general description of the reasons for each ~~promotion~~ of the following with that community college: college:

- a. Promotion.
- b. Demotion.
- c. Transfer.
- d. Suspension.
- e. Separation.
- f. Dismissal.

(11) ~~Date and type of~~ For each dismissal, suspension, or demotion dismissal for disciplinary reasons taken by the community college. If the disciplinary action was a dismissal, college, a copy of the written notice of the final decision of the board of trustees setting forth the specific acts or omissions that are the basis of the dismissal.

(12) The office or station to which the employee is currently assigned.

(d) Nothing in this section shall be construed to authorize the disclosure of any confidential information protected by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 110 Stat. 1936, the Americans with Disabilities Act of 1990 (ADA), 104 Stat. 327, or other applicable law.

(e) The following shall apply to the general descriptions as required by subdivision (a)(10) of this section:

- (1) No general description shall disclose information otherwise prohibited from disclosure by an applicable law but shall be listed as "description of action prohibited by applicable law."
- (2) The general description for each promotion, demotion, transfer, suspension, separation, or dismissal shall become part of the record maintained under subsection (a) of this section upon the later of the expiration of the time period to file an appeal under any applicable administrative appeals process or a final decision being entered in that administrative appeals process."

SECTION 4. G.S. 122C-158 reads as rewritten:

"§ 122C-158. Privacy of personnel records.

(b) The following information with respect to each employee is a matter of public record:

(10) ~~Date~~ Subject to subsection (j) of this section, date and general description of the reasons for each ~~promotion~~ of the following with that area authority: authority:

- a. Promotion.
- b. Demotion.
- c. Transfer.
- d. Suspension.
- e. Separation.

f. Dismissal.

(11) ~~Date and type of~~ For each dismissal, suspension, or demotion ~~dismissal~~ for disciplinary reasons taken by the area authority. ~~If the disciplinary action was a dismissal,~~ authority, a copy of the written notice of the final decision of the area authority setting forth the specific acts or omissions that are the basis of the dismissal.

(12) The office or station to which the employee is currently assigned.

...

(i) Nothing in this section shall be construed to authorize the disclosure of any confidential information protected by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 110 Stat. 1936, the Americans with Disabilities Act of 1990 (ADA), 104 Stat. 327, or other applicable law.

(j) The following shall apply to the general descriptions as required by subdivision (b)(10) of this section:

(1) No general description shall disclose information otherwise prohibited from disclosure by an applicable law but shall be listed as "description of action prohibited by applicable law."

(2) The general description for each promotion, demotion, transfer, suspension, separation, or dismissal shall become part of the record maintained under subsection (b) of this section upon the later of the expiration of the time period to file an appeal under any applicable administrative appeals process or a final decision being entered in that administrative appeals process."

SECTION 5. G.S. 130A-45.9 reads as rewritten:

"§ 130A-45.9. Confidentiality of personnel information.

...

(b) The following information with respect to each employee of a public health authority is a matter of public record:

(1) ~~name;~~ Name.

(2) ~~age;~~ Age.

(3) ~~date~~ Date of original employment or appointment; ~~appointment.~~

(4) ~~beginning~~ Beginning and ending dates; ~~dates.~~

(5) ~~position title;~~ Current position and title.

(6) ~~position descriptions;~~ Position description.

(7) Current salary and total compensation of current and former positions; ~~positions.~~ For the purposes of this subdivision, the term "total compensation" includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by the employing entity.

(8) ~~the~~ The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the authority has the written contract or a record of the oral contract in its ~~possession;~~ possession.

(9) ~~and date~~ Date and type of the most recent each promotion, demotion, transfer, suspension, separation, or other change in position classification.

(10) Subject to subsection (e) of this section, date and general description of the reasons for each of the following with that public health authority:

a. Promotion.

b. Demotion.

c. Transfer.

d. Suspension.

e. Separation.

f. Dismissal.

1 (11) For each dismissal for disciplinary reasons taken by the public health
 2 authority, a copy of the written notice of the final decision of the public health
 3 authority setting forth the specific acts or omissions that are the basis of the
 4 dismissal.

5 (12) The office or station to which the employee is currently assigned.

6 (13) In addition, the following information with respect to each licensed medical
 7 provider employed by or having privileges to practice in a public health
 8 facility shall be a matter of public record: educational history and
 9 qualifications, date and jurisdiction or original and current licensure; and
 10 information relating to medical board certifications or other qualifications of
 11 medical specialists. For the purposes of this subsection, the term "total
 12 compensation" includes pay, benefits, incentives, bonuses, and deferred and
 13 all other forms of compensation paid by the employing entity.

14 ...

15 (d) Nothing in this section shall be construed to authorize the disclosure of any
 16 confidential information protected by the Health Insurance Portability and Accountability Act of
 17 1996 (HIPAA), 110 Stat. 1936, the Americans with Disabilities Act of 1990 (ADA), 104 Stat.
 18 327, or other applicable law.

19 (e) The following shall apply to the general descriptions as required by subdivision
 20 (b)(10) of this section:

21 (1) No general description shall disclose information otherwise prohibited from
 22 disclosure by an applicable law but shall be listed as "description of action
 23 prohibited by applicable law."

24 (2) The general description for each promotion, demotion, transfer, suspension,
 25 separation, or dismissal shall become part of the record maintained under
 26 subsection (b) of this section upon the later of the expiration of the time period
 27 to file an appeal under any applicable administrative appeals process or a final
 28 decision being entered in that administrative appeals process."

29 **SECTION 6.** G.S. 131E-257.2 reads as rewritten:

30 **"§ 131E-257.2. Privacy of employee personnel records.**

31 ...

32 (b) The following information with respect to each public hospital employee is a matter
 33 of public record:

34 (1) Name.

35 (2) Age.

36 (3) Date of original employment.

37 (4) Current position title.

38 (5) Date of the most recent and type for each promotion, demotion, transfer,
 39 suspension, separation or other change in position classification.

40 (6) The office to which the employee is currently assigned.

41 (7) Subject to subsection (j) of this section, date and general description of the
 42 reasons for each of the following with that public hospital:

43 a. Promotion.

44 b. Demotion.

45 c. Transfer.

46 d. Suspension.

47 e. Separation.

48 f. Dismissal.

49 (8) For each dismissal for disciplinary reasons taken by the public hospital, a copy
 50 of the written notice of the final decision of the public hospital setting forth
 51 the specific acts or omissions that are the basis of the dismissal.

(9) ~~In addition, the following information with respect to~~ For each licensed medical provider employed by or having privileges to practice in a public hospital shall be a matter of public record: hospital, the following information: educational history and qualifications, date and jurisdiction or original and current licensure; and information relating to medical board certifications or other qualifications of medical specialists.

...

(i) Nothing in this section shall be construed to authorize the disclosure of any confidential information protected by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 110 Stat. 1936, the Americans with Disabilities Act of 1990 (ADA), 104 Stat. 327, or other applicable law.

(j) The following shall apply to the general descriptions as required by subdivision (b)(7) of this section:

(1) No general description shall disclose information otherwise prohibited from disclosure by an applicable law but shall be listed as "description of action prohibited by applicable law."

(2) The general description for each promotion, demotion, transfer, suspension, separation, or dismissal shall become part of the record maintained under subsection (b) of this section upon the later of the expiration of the time period to file an appeal under any applicable administrative appeals process or a final decision being entered in that administrative appeals process."

SECTION 7.(a) G.S. 153A-98 reads as rewritten:

"§ 153A-98. Privacy of employee personnel records.

...

(a1) This section shall apply to all employees subject to G.S. 153A-103.

(b) The following information with respect to each county employee is a matter of public record:

...

(10) ~~Date~~ Subject to subsection (h) of this section, date and general description of the reasons for each promotion of the following with that county:

- a. Promotion.
- b. Demotion.
- c. Transfer.
- d. Suspension.
- e. Separation.
- f. Dismissal.

(11) ~~Date and type of~~ For each dismissal, suspension, or demotion dismissal for disciplinary reasons taken by the county. If the disciplinary action was a dismissal, county, a copy of the written notice of the final decision of the county setting forth the specific acts or omissions that are the basis of the dismissal.

(12) The office to which the employee is currently assigned.

...

(g) Nothing in this section shall be construed to authorize the disclosure of any confidential information protected by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 110 Stat. 1936, the Americans with Disabilities Act of 1990 (ADA), 104 Stat. 327, or other applicable law.

(h) The following shall apply to the general descriptions as required by subdivision (b)(10) of this section:

- (1) No general description shall disclose information otherwise prohibited from disclosure by an applicable law but shall be listed as "description of action prohibited by applicable law."
- (2) The general description for each promotion, demotion, transfer, suspension, separation, or dismissal shall become part of the record maintained under subsection (b) of this section upon the later of the expiration of the time period to file an appeal under any applicable administrative appeals process or a final decision being entered in that administrative appeals process."

SECTION 7.(b) G.S. 153A-99(b) reads as rewritten:

"(b) Definitions. For the purposes of this section:

- (1) "County employee" or "employee" means any person employed by a county or any department or program thereof that is supported, in whole or in part, by county funds; funds but shall not include employees subject to G.S. 153A-103;
- (2) "On duty" means that time period when an employee is engaged in the duties of his or her employment; and
- (3) "Workplace" means any place where an employee engages in his or her job duties."

SECTION 8. G.S. 160A-168 reads as rewritten:

"§ 160A-168. Privacy of employee personnel records.

...
 (b) The following information with respect to each city employee is a matter of public record:

- ...
- (10) ~~Date~~ Subject to subsection (h) of this section, date and general description of the reasons for each promotion—of the following with that municipality-municipality:
 - a. Promotion.
 - b. Demotion.
 - c. Transfer.
 - d. Suspension.
 - e. Separation.
 - f. Dismissal.
- (11) ~~Date and type of~~ For each dismissal, suspension, or demotion—dismissal for disciplinary reasons taken by the ~~municipality~~. ~~If the disciplinary action was a dismissal, municipality,~~ a copy of the written notice of the final decision of the municipality setting forth the specific acts or omissions that are the basis of the dismissal.
- (12) The office to which the employee is currently assigned.

...
 (g) Nothing in this section shall be construed to authorize the disclosure of any confidential information protected by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 110 Stat. 1936, the Americans with Disabilities Act of 1990 (ADA), 104 Stat. 327, or other applicable law.

(h) The following shall apply to the general descriptions as required by subdivision (b)(10) of this section:

- (1) No general description shall disclose information otherwise prohibited from disclosure by an applicable law but shall be listed as "description of action prohibited by applicable law."
- (2) The general description for each promotion, demotion, transfer, suspension, separation, or dismissal shall become part of the record maintained under subsection (b) of this section upon the later of the expiration of the time period

1 to file an appeal under any applicable administrative appeals process or a final
 2 decision being entered in that administrative appeals process."

3 **SECTION 9.** G.S. 162A-6.1 reads as rewritten:

4 "**§ 162A-6.1. Privacy of employee personnel records.**

5 ...
 6 (b) The following information with respect to each authority employee is a matter of
 7 public record:

8 ...
 9 (10) ~~Date~~ Subject to subsection (j) of this section, date and general description of
 10 the reasons for each ~~promotion~~ of the following with that ~~authority~~ authority:

11 a. Promotion.

12 b. Demotion.

13 c. Transfer.

14 d. Suspension.

15 e. Separation.

16 f. Dismissal.

17 (11) ~~Date and type of~~ For each ~~dismissal, suspension, or demotion~~ dismissal for
 18 disciplinary reasons taken by the authority. If the ~~disciplinary action was a~~
 19 ~~dismissal, authority~~, a copy of the written notice of the final decision of the
 20 authority setting forth the specific acts or omissions that are the basis of the
 21 dismissal.

22 (12) The office to which the employee is currently assigned.

23 ...
 24 (i) Nothing in this section shall be construed to authorize the disclosure of any
 25 confidential information protected by the Health Insurance Portability and Accountability Act of
 26 1996 (HIPAA), 110 Stat. 1936, the Americans with Disabilities Act of 1990 (ADA), 104 Stat.
 27 327, or other applicable law.

28 (j) The following shall apply to the general descriptions as required by subdivision
 29 (b)(10) of this section:

30 (1) No general description shall disclose information otherwise prohibited from
 31 disclosure by an applicable law but shall be listed as "description of action
 32 prohibited by applicable law."

33 (2) The general description for each promotion, demotion, transfer, suspension,
 34 separation, or dismissal shall become part of the record maintained under
 35 subsection (b) of this section upon the later of the expiration of the time period
 36 to file an appeal under any applicable administrative appeals process or a final
 37 decision being entered in that administrative appeals process."

38 **SECTION 10.(a)** No later than November 30, 2025, each employer affected by this
 39 act shall adopt personnel policies to effectuate this act to permit all of its employees to challenge
 40 the wording of the general description of any promotion, demotion, transfer, suspension,
 41 separation, or dismissal occurring on or after December 1, 2025.

42 **SECTION 10.(b)** This section is effective when it becomes law.

43 **SECTION 11.** Except as otherwise provided, this act becomes effective December
 44 1, 2025, and applies to promotions, demotions, transfers, suspensions, separations, and dismissals
 45 occurring on or after that date.