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MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 46-32(LS)

Introduced by:

T. R Muna Barnes

AN ACT TO AMEND A SUBSECTION (c) AND SUBSECTION (h) OF ARTICLE 1, CHAPTER 10, TITLE 5, GUAM CODE ANNOTATED RELATIVE TO THE RIGHT OF INSPECTION

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Intent. *I Liheslaturan Guåhan* finds that there exists an inconsistency in the laws governing the disclosure of information related to public employees and officials with respect to private personal information. In 1999, Public Law 25-40:1 amended Section § 10104(2) of Title 5, Guam Code Annotated so as to protect from disclosure the age and personal mailing address of government of Guam employees and officials. In P.L. 25-40, it was recognized that no public policy is served by releasing an employee's age and mailing address, and that an amendment would protect individuals from unwanted visitors, mail, harassment, and stalkers.

I Liheslaturan Guåhan finds that due to the rise in identity theft, there exists sound policy and justification for the continued protection of private personal information of public servants, and that such can be done without compromising the objectives of transparency.

Section 2. § 10108(c) and § 10108(h) of Title 5 Guam Code Annotated are hereby *amended* to read as follows:

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1 **§ 10108. Limitation on Right of Inspection.** *Except* as provided in §
2 10109 of this Chapter, nothing in this Chapter shall be construed
3 to require disclosure of records that are any of the following:

4 (c) Personnel, medical, or similar files, the disclosure of which
5 would constitute an unwarranted invasion of personal privacy. All
6 information regarding salary, and the name, ~~age~~, and worksite
7 mailing address of each employee and public official shall be
8 public record.

9 (h) The home address and telephone number of any person whose
10 occupation is subject to regulation or licensure by the government
11 of Guam, or of any public official or government employee, or of
12 any member of a government board, commission, or council,
13 unless such person gives expressed permission to disclose such
14 information. ~~The exemption in this Subsection shall not apply to~~
15 ~~information provided by nominated board members, directors and~~
16 ~~other officials up for confirmation by I Liheslaturan Guåhan [the~~
17 ~~Legislature].~~

18 **Section 3: Severability.** If any provision of this Law or its
19 application to any person or circumstance is found to be invalid or contrary
20 to law, such invalidity shall not affect other provisions or applications of this
21 Law which can be given effect without the invalid provisions or application,
22 and to this end the provisions of this Law are severable.