

**A GUIDE TO
ALABAMA STATUTES PROTECTING
STATE GOVERNMENT RECORDS FROM
DISCLOSURE**

Compiled by

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INTRODUCTION

Alabama’s Open Records statute contains a seemingly simple command: “Every citizen has a right to inspect and take a copy of any public writing of this state, except as otherwise provided by statute.” Ala. Code § 36-12-40. Unfortunately, the second part of that command—“except as otherwise provided by statute”—can be difficult to fully comprehend or implement because scores of statutory exemptions are scattered throughout the Alabama Code. To date, there has been no comprehensive effort to compile all state statutory exemptions into a single reference guide.

The information contained in *A Guide to Alabama Statutes Protecting State Government Records From Disclosure* was originally compiled by the authors as part of the work of the Alabama Open Records Study Task Force in 2005 and 2006. The Task Force was created by Joint Resolution 90 of the Alabama Legislature, passed in the fall of 2005. It was directed to “study current Alabama law and provide for new proposed legislation to reform access to public records in Alabama.”

This compilation was specifically targeted to the work of the Task Force’s subcommittee charged with investigating current exemptions to the general obligation of public officials to disclose state records upon request and with recommending changes to the current law. This compilation was reviewed by the Legislative Reference Service (LRS) and contains revisions provided by LRS. However, this compilation of statutes is a work in progress and comes with several caveats. First, it was last updated in September 2006. Second, the creation of a compilation such as this necessarily involves some judgment as to which statutes speak directly to protection of government records from disclosure and which do not; thus, there may be some statutory provisions that were not included but perhaps should have been. The authors welcome any additional input and may update the compilation accordingly.

In addition, this compilation does not address limits on disclosure that may be provided in the Alabama constitution, case law, rules of court, agency regulations or policies, or federal or local law. Case law from Alabama courts, for example, can provide significant limits on what types of information can be publicly disclosed by state officials. In its seminal decision of *Stone v. Consolidated Pub. Co.*, 404 So.2d 678 (Ala. 1981), the Alabama Supreme Court held that “recorded information received by a public officer in confidence, sensitive personnel records, pending criminal investigations, and records the disclosure of which would be

detrimental to the best interests of the public” are all exempt from public disclosure. In addition, certain federal laws directly limit state officials from disclosing certain types of information, such as drivers’ license information and certain information about homeland security vulnerabilities. With these limitations in mind, this guide can be a useful tool to navigating the myriad of state statutory provisions that prevent disclosure of certain types of information.

Since the Task Force has completed its work, the authors have received multiple requests for copies of this compilation. The authors are happy to share this information to further public understanding of Alabama’s Open Records statute and the work of the Task Force, and so they have created this guide for public use and distribution. However, they retain all publication rights to this compilation, and it is not to be reproduced or republished in any other form without their written consent.

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Balch & Bingham LLP is a southeastern regional law firm with offices in Alabama, Georgia, Mississippi, and Washington, D.C. Information about the diverse practice areas of Balch & Bingham's over 250 attorneys can be found at www.balch.com.

ALABAMA STATUTES PROTECTING RECORDS FROM DISCLOSURE

ALA. CODE	PRIMARY AGENCY	RECORDS / INFORMATION PROTECTED
§ 2-1-11	State Dept. of Agriculture and Industries	<u>Information collected for the animal identification program.</u> The department may establish an animal identification system. All information collected for the program is confidential and not subject to public disclosure except by court order or a departmental rule.
§ 2-1-12	State Dept. of Agriculture and Industries	<u>Information collected in the interest of “public health, safety, and welfare.”</u> The department may collect information from various agricultural and silvicultural producers and other regulated parties in the interest of “public health, safety, and welfare.” The department may keep such information confidential to protect “personal information about individual farming operations” except as otherwise required by law.
§ 2-2-6	State Dept. of Agriculture and Industries	<u>Information concerning private affairs obtained in inspections.</u> The department may “inspect books and records” and take certain other actions relating to official duties. However, for any department employee to “divulge any information acquired from the private books, documents or papers of any person, firm or corporation” regarding “confidential or private transactions, property or business of any person, firm or corporation” is a misdemeanor and disqualifies that person from further official action.
§ 2-2-53	State Dept. of Agriculture and Industries	<u>Agricultural information gathered for statistical purposes.</u> The department may not disclose information gathered for purposes of compiling and publishing agricultural statistics under § 2-2-50.
§ 2-10-28	State Board of Agriculture and Industries	<u>Annual reports of agricultural cooperatives.</u> These reports are filed with the board and “shall be considered as a confidential document, and the information contained therein shall not be divulged except by permission of the board.”



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§ 2-10-29	State Dept. of Agriculture and Industries	<u>Investigation of an agricultural cooperative.</u> If the department conducts such an investigation at the request of the board, the resulting report “shall be a confidential document for official use only and subject to examination only by duly authorized agents of the commissioner and members of the State Board of Agriculture and Industries.”
§ 2-11-36	State Dept. of Agriculture and Industries	<u>Biannual catfish product reports.</u> The department must publish at least biannually “information concerning the sale of catfish products,” but may not “disclose the operation of any person.”
§ 2-13-92	State Dept. of Agriculture and Industries	<u>Milk-processing inspection reports.</u> Results of an inspection of a milk-processing facility: “All information received . . . as a result of the examination of records of any milk processing establishment shall be regarded and considered confidential, and it shall be unlawful for [the department] to reveal any of said confidential information.”
§ 2-13A-1	Southern Dairy Compact Comm’n	<u>Documents from milk producer inspections.</u> The commission may examine the books and records of milk producers for purposes of enforcing the compact. Information so gathered “shall be confidential and not subject to disclosure except to the extent that the Commission deems disclosure to be necessary in any administrative or judicial proceeding.”
§ 2-15-62(e)	State Dept. of Agriculture and Industries	<u>Livestock market information.</u> Information filed with the department concerning “the amount or volume of business conducted by a livestock market for the purposes of Section 2-15-61 and this section” may be reflected in aggregate statistical information but otherwise “shall be confidential and for official use only and shall not be divulged.”
§ 2-17-24(a)(2)	State Dept. of Agriculture and Industries	<u>Reports on meat and poultry producers.</u> The department has broad authority to require such reports, but “[s]uch reports and answers . . . shall be kept confidential . . . except that such may be used without claim of privilege in” certain judicial enforcement and compliance actions.



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§ 2-21-34	State Dept. of Agriculture and Industries	<u>Information on commercial feed operations.</u> The department may publish annual information regarding commercial feed sales, “provided, that the information concerning production and use of commercial feed shall not disclose the operations of any persons.”
§ 2-22-10(a)	State Dept. of Agriculture and Industries	<u>Information on commercial fertilizer operations.</u> A commercial fertilizer licensee must provide the department a semiannual report of tons of “each grade of fertilizer sold in each county in the state.” “No information furnished the commissioner under this section shall be disclosed in such a way as to divulge the operation of any person.”
§ 2-26-10(d)	State Dept. of Agriculture and Industries	<u>Records of seed sales.</u> “Records of receipts, sales and deliveries of all seed sold in Alabama” are available for the department for certain compliance matters but otherwise are “treated as confidential.”
§ 5-2A-12	State Banking Dept. and State Banking Board	<u>Banking Board proceedings to correct banking affairs.</u> The department may order the board to “correct any matters in the conduct of the affairs of the bank which . . . are unsafe and unsound.” “[P]roceedings before the Banking Board shall be confidential.”
§ 5-2A-61	State Savings and Loan Bureau and State Banking Dept.	<u>Information acquired by Savings and Loan Bureau.</u> The department and the bureau “shall not divulge any information acquired . . . in the discharge of their duties . . . except insofar as the same may be rendered necessary by law,” other than disclosures required as a condition of association with certain federal boards and corporations and savings and loans departments of other states.
§ 5-2A-80	State Bureau of Loans	<u>Documents received in Bureau of Loans investigations.</u> The bureau is authorized to investigate the “loans and business” of regulated entities. “All records, reports and other data submitted by any licensee to the [Bureau] and the reporting of all investigations . . . shall not be open to public inspection.”



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§ 5-3A-3	State Banking Dept. and State Banking Board	<u>Information acquired in examination of a bank.</u> The department and board may not “disclose the condition and affairs of any bank” as determined by an examination of the bank, or information regarding depositors or debtors of the bank “except as authorized or required by law.” There are exceptions for certain transmissions of information to members of the board, to federal regulatory agencies and corporations, and to a bank’s directors or “any bank holding company owning more than 50 percent of the capital stock of such bank.” Reports and information “shall remain the property of the Banking Department and may not be disclosed to any person” outside the bank.
§ 5-3A-11	State Banking Dept. and State Banking Board	<u>Bank examination reports.</u> “All reports of examination, records reflecting action of the bank taken pursuant thereto, and records and minutes of meetings of the Banking Board relating to a bank or several banks shall be confidential and shall not be subject to subpoena or inspection except by subpoena from a grand jury served on the superintendent.”
§ 5-5A-44(b)	State Banking Dept.	<u>Bank acquisition applications.</u> Application to the department is necessary for acquisition of voting stock in a state bank sufficient to obtain a voting majority of the bank. Information in that application “is confidential and may not be disclosed by the [department], except that the superintendent may in his discretion, if he deems it necessary or proper to the enforcement of the laws of this state or the United States and to the best interest of the public, divulge such information” to a state or federal agency.
§ 5-13B-105(a)	State Banking Dept.	<u>Foreign bank reports.</u> Reports of foreign banks that the department may require “shall not be subject to subpoena and shall not be made public unless, in the judgment of the superintendent, the public advantage will be served by the publication thereof.” Reports subject to this provision are those “conducted by any bank supervisory agency which are considered confidential by such agency and which are in possession of the superintendent.”



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§ 5-16-36(b)	State Savings and Loan Comm'r	<u>Examiner or auditor report to commissioner on a savings and loan.</u> The commissioner must conduct regular examinations of savings and loans, or under certain circumstances, obtain an audit prepared by others. The report shall be provided to the association, "exclusive of confidential comments and opinions made by the examiner or auditor in a separate report to the commissioner."
§ 5-18-10	State Bureau of Loans	<u>Documents associated with examinations of small loan licensees.</u> Such documents "are to be held strictly confidential, and may not be produced, reproduced, or otherwise made available" outside the banking department except by subpoena.
§ 5-18-23	State Bureau of Loans	<u>List of small loan licensees.</u> The bureau keeps a list of small loan licensees. The list is open to public inspection only "upon approval of the supervisor," but the supervisor shall not deny access "when the disclosure thereof . . . is in the public interest."
§ 5-19-24	State Banking Dept.	<u>Documents associated with examinations of consumer loan licensees.</u> Such documents "are to be held strictly confidential, and may not be produced, reproduced, or otherwise made available" outside the banking department, the licensee, and "their respective counsel."
§ 5-22-3	State Revenue Dept.	<u>Currency transaction disclosures.</u> The department may require financial institutions to disclose currency transactions. Information obtained by the department "may not be disclosed . . . except that the Revenue Commissioner may in his discretion, if he deems it necessary or proper to the enforcement of the laws of this state or the United States and to the best interest of the public, divulge such information to any department, agency, or instrumentality of the state or federal government." This information may also be disclosed in response to certain subpoenas, pursuant to § 5-22-5.
§ 5-25-9	State Banking Dept.	<u>Documents associated with examinations of mortgage broker licensees.</u> Such documents "are to be held strictly confidential, and may not be produced, reproduced, or otherwise made available" outside the banking department, the licensee, and "their respective counsel."



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§ 6-5-333(d)	All agencies and certain committees investigating medical malpractice claims	<u>Reviews of medical care.</u> If a committee of medical professionals is assembled to review “any aspect of dental care, chiropractic care, or medical care at the request of a government agency,” then all information and records provided to that committee are “declared to be privileged,” and the “records and proceedings” of the committee “shall be confidential and shall be used . . . only in the exercise of the proper functions of the committee and shall not be public records nor be available for court subpoena or for discovery proceedings.”
§ 7-9A-408	Not applicable	<u>Debtors’ trade secrets and confidential information associated with certain invalid security interests.</u> The statute prohibits certain restrictions on the transfer of a promissory note and of a debtor agreement concerning health-care-insurance receivables or a general intangible. To the extent such a note or agreement includes a prohibited term, the security interest is not enforceable, nor does it “entitle the secured party to use, assign, possess, or have access to any trade secrets or confidential information of the person obligated on the promissory note” or the debtor.
§ 8-6-51	State Securities Comm’n	<u>Information provided to commission.</u> Members and employees of the commission may not use information provided to the commission and not made public for personal benefit, or “disclose any such information except among themselves or when necessary or appropriate in a proceeding or investigation.”
§ 8-19C-4	Public Service Comm’n	<u>“Do not call” registry.</u> Information in the database of those who have requested not to receive telephone solicitations” shall not be subject to public inspection or disclosure.
§§ 8-27-2(1), 8-27-3	Not applicable	<u>Trade secrets.</u> “A person who discloses or uses the trade secret of another, without a privilege to do so, is liable to the other for misappropriation of the trade secret” if the person discovers the secret through improper means; disclosure “constitutes a breach of confidence”; the person obtains the secret through a third person and knew or should have known the information was obtained by certain improper means; or the person knew or should have known that the information was a trade secret disclosed mistakenly.



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§ 9-8A-3(e)	State Agricultural and Conservation Development Comm'n	<u>Executive sessions.</u> As an exception to an “open meetings” requirement, subsection (e) authorizes “executive or secret sessions . . . when the character or good name of a person is involved.” (Note that this provision makes the record of meetings available to the public without an explicit exclusion for the record of executive sessions.)
§§ 9-16-83(b)(16), 9-16-84(a)(12)	State Surface Mining Comm'n	<u>Coal-related information in permit applications.</u> Of the information concerning “coal seams, test borings, core samplings, or soil samples,” which must be included in surface coal mining and reclamation permit applications, that information “pertaining to the analysis of the chemical and physical properties of the coal” is kept confidential unless potentially “toxic in the environment.”
§ 9-16-87(b)	State Surface Mining Comm'n	<u>Trade secrets and privileged information in permit applications.</u> “Information submitted [in a permit application] . . . as confidential concerning trade secrets or privileged commercial or financial information which relates to the competitive rights of the person or entity intended to explore the described area shall not be available for public examination.”
§ 9-16-100	State Surface Mining Comm'n	<u>Trade secrets and privileged information submitted to commission.</u> If a permit applicant or permittee makes a “verified representation” to the commission that information, if made public, would “divulge production or financial data or methods, processes or production unique to the person or would otherwise tend to affect adversely the competitive position of a person,” then the commission must treat the information as “confidential.”
§ 10-4-391	Not applicable	<u>Communications between provider and recipient of professional services of a professional corporation.</u> The relationship between an employee of a professional corporation and a client or patient is the same as if the employee were a sole practitioner. Any privilege that would apply to communications between the persons rendering and receiving professional services under Alabama law “shall remain inviolate and shall extend to a professional corporation . . . and its employees.”



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§ 10-4-399	Professional licensing authorities	<p><u>Financial information of professional corporations.</u> Financial information regarding a professional corporation contained in the corporation’s annual report “shall not be open to public inspection nor shall the licensing authority disclose any facts or information obtained therefrom,” subject to certain exceptions. The shield from disclosure does not apply to “the amount of stated capital of the corporation.”</p>
§ 10-4-400	Professional licensing authorities	<p><u>Professional corporation responses to interrogatories.</u> Licensing authorities may issue interrogatories to professional as reasonably necessary to ascertain compliance with the Alabama Business Corporation Act. The interrogatory and the response are “not open to public inspection nor shall the licensing authority disclose any facts or information obtained therefrom” except for certain official purposes.</p>
§ 10-10-11	Not applicable	<p><u>Communications between provider and recipient of professional services of an unincorporated association.</u> All “confidential relationships” with respect to the provision of professional services existing under Alabama law prior to enactment of the unincorporated association statute “shall remain inviolate.”</p>
§ 11-51-196	State Dept. of Revenue and municipalities	<p><u>Business license forms and tax-related information.</u> It is unlawful for any person to make available the license form (such as an application) for a business license or information “secured in arriving at the amount of tax or value reported,” except under certain circumstances.</p>



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§ 11-65-10(10)	Municipal horse and greyhound racing commissions	<u>Net worth or income of horse racing facility or operator; information asserted to be confidential.</u> These commissions may compel a horse racing facility licensee or an operator to produce certain information; however, subsequent disclosure of financial information “disclosing the net worth or net income,” or “making it possible to compute the same . . . shall not be public information and shall be protected against public disclosures to the same extent that the tax returns of any taxpayer are protected . . . by the provisions of Section 40-2A-10.” The commission also must provide the same protection to information asserted by the licensee or operator to be confidential unless public disclosure is awarded by the local circuit court after a hearing.
§ 11-65-15	Municipal horse and greyhound racing commissions	<u>Percentage ownership or other confidential information in a horse racing facility license application.</u> An applicant for a horse racing facility license cannot be required to include confidential financial information, or information on the “exact percentage of ownership interest in such applicant held by various persons,” that is protected under § 11-65-10(10). Should the commission obtain such information, it must be protected as provided in § 11-65-10(10).
§ 11-65-18	Municipal horse and greyhound racing commissions	<u>Percentage ownership or other confidential information in a horse or greyhound racing operator license application.</u> This section includes similar limits on a commission’s demand for and disclosure of information as those found in section 11-65-15, but it applies to applications for an operator’s license for horse and greyhound racing.
§ 11-98-9	State Wireless 9-1-1 Board	<u>Certain telephone-related technical proprietary information.</u> The board or its auditors may audit the providers of wireless telecommunication services as well as emergency communications districts. All “technical proprietary information submitted to the board or . . . auditor . . . shall be retained by the board and the auditor in confidence and shall be subject to review only by the Examiners of Public Accounts.” That information is not subject to subpoena or available to third parties beyond the board or the service provider who submitted it.



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§ 12-14-13	Municipal courts	<u>Probation reports.</u> Reports of a probation officer to the court “shall be privileged and shall not be available for public inspection except upon order of the court.”
§ 12-15-100	Juvenile courts	<u>Certain medical information concerning delinquent, supervised and dependent children.</u> “Social, medical, and psychiatric or psychological records” of “delinquent, in need of supervision and dependent children” are to be filed separately from other court records and made available for inspection and copying only to specified classes of persons (e.g., court staff, certain social agencies, parties to proceedings, etc.).
§ 12-15-101	Law enforcement agencies	<u>Law enforcement records concerning children.</u> The court is required to issue rules requiring the protection from unauthorized disclosure of “law enforcement records and files concerning a child.”
§ 12-15-105	Teachers and other school employees	<u>Notice of child delinquency.</u> Courts must notify the school superintendent (or the principal of a private school) if a child is found “delinquent of an act which if committed by an adult would be a Class A or B felony or any other crime at the discretion of the judge.” “Any information received by a teacher, counselor, administrator, or other school employee under this section shall be received in confidence for the limited purpose of rehabilitating the child and protecting students and staff, and shall not be further disseminated” except under certain enumerated exceptions.
§ 12-16-59(a)	County jury commissions	<u>List of prospective jurors.</u> Whenever a jury commission draws names of prospective jurors from the master jury box, the list of such names may not be disclosed “other than pursuant to this article or specific order of the court.”
§ 12-16-70	Clerk of the court	<u>List of grand or petit jurors.</u> When a court draws names from the trial court jury box for a grand or petit jury, the court shall forward the names to the clerk of the court, “who shall retain possession thereof without disclosing to anyone the names drawn nor any list thereof.”



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§§ 12-16-215, 12-16-216	Grand jury members, witnesses, and associated personnel	<u>Information regarding grand jury proceedings.</u> Those familiar with a grand jury's proceedings may not disclose any knowledge or information pertaining to the grand jury's deliberations.
§ 12-21-3.1	Law enforcement agencies	<u>Law enforcement investigations.</u> "Law enforcement investigative reports and related investigative material are not public records." These and related documents "are privileged communications protected from disclosure."
§ 12-21-6(a)	Courts and litigants	<u>Hospital records, before trial.</u> Hospital records produced in response to subpoena duces tecum are to be sealed and not made available to persons other than parties and their attorneys "until ordered published by the court trying the case at the time of trial."
§ 12-21-131(i)	Not applicable	<u>Information provided from deaf person to an interpreter in government proceedings.</u> "Any and all information" gathered by an interpreter appointed pursuant to Section 12-21-131 to aid a deaf participant in the proceedings "shall at all times remain confidential and privileged, or on an equal basis with the attorney-client privilege, unless such deaf person desires that such information be communicated to other persons."
§ 12-21-161	Attorneys (whether public or private)	<u>Communication to attorney or clerk.</u> No attorney or his or her clerk may testify as to "any matter or thing, knowledge of which may have been acquired from the client, or as to advice or counsel to the client given by virtue of the relation as an attorney" or prospective attorney.
§ 12-21-166	Not applicable	<u>Confession to, and spiritual or marital advice from, clergy.</u> If a person communicates to a member of the clergy in a "professional capacity and in a confidential manner (1) to make a confession, (2) to seek spiritual counsel or comfort, or (3) to enlist help or advice in connection with a marital problem," then in any "legal or quasi-legal proceeding," the person and the clergy member may "refuse to disclose and to prevent the other from disclosing anything said by either party during such communication."



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§ 12-21-227	Not applicable	<u>Marital communications.</u> Neither a husband nor wife may be compelled to testify against the other in a criminal case.
§ 12-25-11	Alabama Sentencing Comm'n	<u>Offender records.</u> The commission is authorized to collect offender records from state agencies. All such information “shall remain subject to the confidentiality requirements of the department or agency providing the information,” except that the commission “may release non-identifying offender information for statistical and analysis purposes.”
§ 13A-11-202	State Public Safety Dept.	<u>Sex offender registry.</u> This registry is generally open only to “duly constituted law enforcement officers or agencies.” However, information from the registry “shall be made available if disclosure is necessary for the administration, implementation, or enforcement of the Community Notification Act.”
§ 15-1-2(b)	Circuit and district courts	<u>Records of minor victims of sexual abuse or exploitation.</u> Court records of these minors are protected to the same extent as records of juvenile offenders.
§ 15-1-3	Not applicable	<u>Communications between non-English-speaking defendant and an appointed interpreter.</u> If a defendant (or juvenile) in a criminal (or juvenile) proceeding does not understand English, the court may appoint an interpreter. The “relations and communications” with the interpreter “are placed on the same basis as those . . . between attorney and client.” Information the interpreter receives “shall at all times remain confidential and privileged” unless the speaker of the foreign language consents otherwise.
§§ 15-12-28, 15-12-44	Not applicable	<u>Privileged communications of court-appointed counsel.</u> A court-appointed counsel of an indigent defendant must keep records and make reports as required under the court’s system, except that attorney-client communications must remain confidential. (Section 15-12-28 applies to jurisdictions using the contract system, while Section 15-12-44 applies to jurisdictions using the public defender system.)



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§ 15-19-7(b)	Courts	<u>Youthful offender identification documents.</u> “The fingerprints and photographs and other records of a person adjudged a youthful offender shall not be open to public inspection,” except that the court, in its discretion, may “permit the inspection of papers or records.”
§ 15-20-28	Courts and schools	<u>Notification of low-risk juvenile sex offender.</u> Upon the release of a juvenile sex offender, if a court determines that notification is required but the risk of re-offense is low, the court must notify the principal of the offender’s school. “This information shall be considered confidential by the school and be shared only with the teachers and staff with supervision over the juvenile criminal sex offender.”
§ 15-22-1.1, art. VII(e)	Interstate Comm’n for Adult Offender Supervision	<u>Information affecting individual rights and interests.</u> The commission is authorized to promulgate rules to “exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.”
§ 15-22-36(b)	Board of Pardons and Paroles	<u>Pardon and parole files.</u> These files are privileged, except that a board member favoring a pardon, parole, or other relief shall “enter in the file his or her reasons in detail, which entry and the order shall be public records.”
§ 15-22-53(b)	Probation officers and courts	<u>Probation officer reports.</u> “All reports, records and data assembled by any probation officer and referred to the court shall be privileged and not available for public inspection except upon order of the court.”
§ 15-22-73	Parole officers	<u>Information gathered by a parole officer.</u> Parole officers are authorized to conduct investigations and make reports. All reports, records and data assembled by any parole officer shall be privileged and shall not be available for public inspection” except for court orders and for inspection by defendant or defendant’s counsel.



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§§ 15-22-90 – 15-22-92	State and local parole and law enforcement agencies; State Dept. of Archives and History	<u>Record of person convicted but pardoned for acts in protest of racial segregation or discrimination.</u> The Rosa Parks Act authorizes pardons of convictions for acts committed in protest of racial segregation or discrimination. The Act authorizes the pardoned person to file a petition under which all agencies with records relating to the conviction must transfer those records to the department for “confidential keeping.”
§ 15-23-5(4)	State Crime Victims Compensation Comm’n	<u>Information received from law enforcement agencies.</u> The commission may obtain investigative reports of law enforcement agencies, but those documents “shall be confidential,” and the commission may not disclose them except to a grand jury.
§§ 15-23-41, 15-23-42	Counseling centers (public or private)	<u>Domestic abuse communications between victim and counselor.</u> Neither a victim of sexual assault or family violence nor a counselor for that victim (who works for a victim counseling center) may be compelled to testify or provide records regarding a confidential communication between victim and counselor in a criminal proceeding. Neither the victim nor the counselor may be compelled to testify in a civil or criminal proceeding as to the location providing shelter to the victim, unless the facility is a party to the proceeding. (This privilege terminates upon the victim’s death.)
§ 15-23-65	Not applicable	<u>Information received by a crime victim from the prosecutor.</u> A prosecuting attorney must “confer with the victim” before trial. “Any information received by the victim relating to the substance of the case shall be confidential, unless otherwise authorized by law or required by the courts to be disclosed.”
§ 15-23-69	Courts	<u>Personal information regarding crime victims.</u> Certain personal information about a crime victim does not become part of the public record in a criminal proceeding.
§ 15-23-73	Probation officers (and crime victims)	<u>Pre-sentence investigative reports.</u> A victim of crime has the right to provide a statement to a probation officer “for use in preparing a pre-sentence report.” The victim may review this report, “subject to the applicable federal or state confidentiality laws, at the same time the document is available to the defendant or his or her counsel.”



ALA. CODE	PRIMARY AGENCY	RECORDS / INFORMATION PROTECTED
§§ 15-23-102, 15-23-103	Courts, district attorneys, State Board of Health	<u>Result of testing of a defendant for sexually transmitted disease.</u> A victim of certain sexual crimes may request the defendant to be tested for sexually transmitted diseases. Test results are not public records and shall be available only to alleged victim, alleged victim's parent or guardian, attending physician, and person tested. Test results must remain confidential and may not be divulged to any unauthorized person.
§ 16-22A-10	State Educ. Dept.	<u>Criminal history of persons seeking child-related employment.</u> The department must keep confidential any information it receives from the Department of Public Safety on the criminal history of certain persons holding or seeking employment in positions allowing access to children.
§ 16-39-4	School boards and staff	<u>Exceptional children information.</u> School boards must compile surveys of those who may qualify as exceptional children. Individual-specific information must be kept confidential and not divulged except to survey-takers, the superintendent, the principal, the parents or guardians, and others designated by Department of Education regulations.
§ 16-39-8	School principals	<u>Records of exceptional children.</u> The principal must keep a written case file on exceptional children (those for whom special education may be appropriate), which "confidential record" may be available only to "appropriate school officials and appropriate faculty . . . with the consent of the school principal."
§ 17-4-122	County boards of registrars	<u>Voter registration applications.</u> Generally, these applications "shall not become public records" and may not be disclosed without the permission of the applicant, except by a court order. There is an exception for political parties.

ALA. CODE	PRIMARY AGENCY	RECORDS / INFORMATION PROTECTED
§ 17-10A-2	Election officials, sheriffs, board of registrars	<u>Provisional ballot information.</u> If an election official challenges a voter’s qualifications, then the voter affirmation, challenge statement, and the provisional ballot must be sealed, and the sheriff then delivers the sealed documentation to the board of registrars. Upon making a determination on whether the vote should be counted, the board provides its findings and related documentation “to the judge of probate no later than noon seven days after the election until which time such findings shall remain confidential.”
§ 17-16-25	Election officials	<u>Ballots.</u> Once cast, ballots “shall be kept secret and inviolate.”
§ 17-25-4	Election officials	<u>Voter information and ballots.</u> Voting systems must preserve “the privacy of the voter and the confidentiality of the ballot.”
§ 20-2-91	Law enforcement and public safety officers; State Board of Dental Examiners	<u>Prescription-related records.</u> Records regarding prescriptions and drug stocks “shall be open for inspection only to federal, state, county and municipal officers, the investigators of the board of dental examiners, and the agents and officers of the department of public safety whose duty it is to enforce the laws of this state or of the United States relating to controlled substances.” Any of those persons obtaining knowledge of such records may not divulge that knowledge except in the context of certain enforcement and court proceedings.
§ 20-2-215	State Dept. of Public Health	<u>Controlled substance database.</u> Information in this database (including information on prescriptions, pharmacies, etc.) is “declared privileged and confidential, is not a public record, is not subject to subpoena or discovery in civil proceedings and may only be used” for certain investigatory purposes.
§ 21-9-14	State Dept. of Rehabilitation Services	<u>ADA hotline records.</u> The statute requires the establishment of a “toll-free telephone number” within the department “to provide information on the rights and responsibilities under the Americans with Disabilities Act.” Records of the office staffing the hotline “shall be confidential.”



ALA. CODE	PRIMARY AGENCY	RECORDS / INFORMATION PROTECTED
§ 22-5A-6(d)	State or community “ombudsmen” who investigate complaints regarding long term or residential care	<u>Information regarding long term or residential care complaints.</u> Information concerning “any aspect of a complaint resolution proceeding shall be kept confidential and shall not be disclosed . . . except in strict accordance with the provisions of this chapter.”
§ 22-6-9(b)	State Dept. of Pensions and Security	<u>Information regarding Medicaid recipients.</u> The department “shall make provision for adequate protection of the confidentiality of the Medicaid recipient.”
§ 22-6-124	State Medicaid Agency	<u>Certain drug-related, commercially sensitive information.</u> “Notwithstanding any other law to the contrary, all information and documents containing trade secrets, proprietary information, rebate amounts for individual drugs or individual manufacturers, percentage of rebates for individual drugs or manufacturers, and manufacturer's pricing which are contained in records of the State Medicaid Agency and its agents shall be confidential and shall not be a public record for purposes of Section 41-13-1.”
§ 22-8A-14	Probate courts	<u>Living wills.</u> A person may file a living will at the county probate court. The living will so recorded is not available for general public inspection, but may be inspected by certain medical personnel and persons with legal authority.
§ 22-9A-12	State Registrar	<u>Identity of birth parent of adopted child.</u> A birth parent of an adopted child may provide a form stating a preference with respect to whether the child may contact that person as well as a medical history. “The medical history form and contact preference form are confidential communications from the birth parent to the person named on the sealed birth certificate and shall be placed in a sealed envelope upon receipt from the birth parent,” which is then placed in the file with the sealed birth certificate.



ALA. CODE	PRIMARY AGENCY	RECORDS / INFORMATION PROTECTED
§ 22-9A-12	Office of Vital Statistics	<u>Reports of induced terminations of pregnancy.</u> Reports of “induced termination of pregnancy for each induced termination of pregnancy . . . shall be filed with the Office of Vital Statistics.” These reports are not to include an identification of “the patient whose pregnancy was terminated” or “any other information identifying the patient.” “Individual induced termination of pregnancy reports shall be maintained in strict confidence by the Office of Vital Statistics” and are generally not available “for public inspection, . . . not be available in court for any purpose, and . . . not . . . subject to discovery in any civil action,” subject to certain exceptions, such as for the compilation of aggregate data.
§ 22-9A-21(f)	State Registrar and other custodians of vital records	<u>Vital records.</u> Generally, birth, death, and marriage and divorce certificates are not available for public inspection or disclosure, except to certain enumerated classes of persons. However, birth certificates become public records 125 years after date of birth, and death certificates become public records 25 years after death.
§ 22-11A-2	State Board of Health	<u>Reports of “notifiable” diseases.</u> Health providers, lab directors, school principals, and day care center directors are required to report “suspected cases of notifiable diseases and health conditions” to the board. These reports and associated information are generally confidential. (Section 22-11A-1 directs the board to determine which diseases are notifiable.)
§ 22-11A-9	State or county health officer	<u>Tuberculosis reports.</u> Physicians, hospital administrators, persons in charge of a lab, and pharmacists are required to report cases of active tuberculosis to the state or county health officer pursuant to § 22-11A-1. Generally, these reports must be kept confidential.
§ 22-11A-14(e)	State or county health officer	<u>STD reports.</u> Report concerning sexually transmitted disease from a physician or administrator of certain institutions “shall be confidential and shall not be subject to public inspection or admission into evidence in any court except proceedings brought . . . to compel the examination, testing, commitment or quarantine of any person” or with the patient’s consent.



ALA. CODE	PRIMARY AGENCY	RECORDS / INFORMATION PROTECTED
§ 22-11A-22	State Board of Health	<u>STD reports and documents.</u> “All information, reports and medical records concerning persons infected with sexually transmitted diseases . . . shall be confidential and shall not be subject to public inspection or admission into evidence in any court except commitment proceedings.”
§ 22-11A-38	Physicians, the State Health Officer, and certain others	<u>Information regarding persons afflicted with certain diseases.</u> Generally, information regarding persons afflicted by certain diseases (those determined by the State Committee of Public Health to pose a “threat to the health and welfare of others”) must be kept confidential, subject to exceptions for those who may have been exposed (pre-hospital transport agencies, a funeral home, a school superintendent, persons exposed to a “foreseeable, real or probable risk of transmission,” and physicians). Those receiving such information must keep it confidential.
§ 22-11A-54	Health care or other testing facility	<u>HIV and related test results.</u> “[M]edical test results with respect to the HIV infection or a specific sickness or medical condition derived from such infection.”
§ 22-11A-63(a)	State Health Officer	<u>Information relating to investigation of health care worker for HIV or hepatitis B.</u> Upon receiving notification of a health care worker infected with HIV or hepatitis B, the state health officer shall investigate. If the worker does not perform invasive procedures, no further investigation occurs and “all information obtained in the investigation shall be confidential.” If the worker does perform such procedures, the state health officer convenes an “expert review panel.” If possible, “the identity of the health care worker shall not be disclosed” to the panel, but disclosure of that identity “shall be made when any member of the review panel shall deem it necessary to make a recommendation to the State Health Officer or by the attendance of the infected health care worker at the expert review panel.”
§ 22-11A-64(h), (i)	State Committee of Public Health and the courts	<u>Appeals concerning infected health care workers.</u> Following an appeal from the final order of the State Health Officer (concerning an infected health care worker, see § 22-11A-63 above) to the circuit court and the circuit court’s adjudication of the appeal, either party may file a “confidential and anonymous appeal” of the circuit court decision.



ALA. CODE	PRIMARY AGENCY	RECORDS / INFORMATION PROTECTED
§ 22-11A-68(b)	State Dept. of Pub. Health and various health-related bodies	<u>Information collected during investigation of infected health care worker.</u> Such information “is privileged and shall be released in [certain enumerated] ways only.”
§ 22-11A-69(a)	Committees, licensing boards, etc.	<u>Records related to an investigation of an infected health care worker.</u> Such records “are confidential and shall be used [for official purposes] and shall not be public records nor be admissible in courts . . . nor subject to discovery” except under certain circumstances.
§ 22-11B-1	Health care providers, insurers, the Ala. Medicaid Agency, et al.	<u>Immunization records.</u> Subject to State Board of Health agencies, health care providers must provide “information concerning the immunization status of any patient” to other providers, health insurers, the Medicaid agency, and schools and other organizations “with a need to verify the immunization status of persons in their care, custody, or enrollment.” Such provision of information must be only for immunization-related purposes and is subject to information-related regulations at 42 C.F.R. § 431.302.
§ 22-11C-7	State Health Officer; research institutions (public and private)	<u>Head and spinal cord injury registry.</u> Information reported to populate the state’s head and spinal cord injury registry “shall be confidential and privileged.” The State Health Officer may provide information to researchers, but any information identifying specific persons or institutions must be kept confidential.
§ 22-13-33	State Health Officer	<u>Cancer registry.</u> Information reported to populate the state’s cancer registry “shall be confidential and privileged.”
§ 22-14-6	State Radiation Control Agency	<u>Commercially sensitive information acquired in an investigation.</u> “Any report of investigation or inspection or any information concerning trade secrets or secret industrial processes obtained under this article shall not be disclosed or opened to public inspection by the agency” (which regulates persons that deal with radioactive materials).

ALA. CODE	PRIMARY AGENCY	RECORDS / INFORMATION PROTECTED
§ 22-21-8	Parties holding “accreditation, quality assurance credentialing and similar materials”	<u>Health care facility accreditations, etc.</u> These materials (concerning hospitals and other health care facilities) “shall be held in confidence and shall not be subject to discovery or introduction in evidence in any civil action against a health care professional or institution arising out of matters which are the subject of evaluation and review for accreditation, quality assurance and similar functions . . . activities.”
§ 22-21-30	State Board of Health	<u>Licensed facility inspections.</u> Generally, “[i]nformation received by the [board] through “on-site inspections conducted by the State Licensing Agency is subject to public disclosure.” However, information received through other means “will be treated as confidential and shall not be directed publicly except in a proceeding involving the question of licensure or revocation of license.”
§ 22-22-9(c)	State Dept. of Environmental Management	<u>Commercially sensitive information accompanying discharge disclosures.</u> Generally, the department may require submission of records and reports concerning discharges into surface waters, which are public, except that “upon a satisfactory showing” that documents would divulge certain commercially sensitive information, the department must treat those documents as confidential. This exception is not available for certain effluent data.
§ 22-28-20(a)	State Dept. of Environmental Management	<u>Commercially sensitive information accompanying emissions disclosures.</u> Generally, records and reports provided to the department concerning air emissions are public, except that upon a satisfactory showing that documents would divulge certain commercially sensitive information, the department must treat those documents as confidential. This exception is not available for emissions data.



ALA. CODE	PRIMARY AGENCY	RECORDS / INFORMATION PROTECTED
§ 22-30-18	State Dept. of Environmental Management	<u>Commercially sensitive information accompanying waste disclosures.</u> Generally, records and reports provided to the department concerning hazardous waste are public, except that upon a satisfactory showing that documents would divulge certain commercially sensitive information, the department must treat those documents as confidential. This exception is not available for “manifests and reports showing the quantities and characteristics of hazardous wastes generated, transported, treated, stored or disposed by any person.”
§ 22-30-19(d)	State Dept. of Environmental Management	<u>Commercially sensitive information acquired in a hazardous waste inspection.</u> Reports, records and information generated by the department in the course of an inspection of an establishment handling hazardous waste “shall be subject to the provisions of Sections 22-30-9 and 22-30-18 concerning trade secrets and confidentiality.”
§ 22-30B-15(a), (c)	State Dept. of Environmental Management; State Dept. of Revenue	<u>Hazardous waste disposal fees.</u> No person may “print or publish in any manner whatever the fee report of any operator” of a hazardous waste disposal site, and all “reports and information secured by . . . the Department of Revenue for the purpose of arriving at fees shall be kept under lock and key.”
§ 22-30B-16	State Dept. of Revenue	<u>Hazardous waste fee reports and records.</u> “The reports and records shall remain in the office of the Department of Revenue and shall not be open to public inspection.”
§ 22-30D-5(j)	State Dept. of Revenue	<u>Drycleaning trust fund information.</u> Information secured by the department associated with collecting and dispensing funds associated with the Alabama Drycleaning Environmental Response Trust Fund “shall be confidential, as prescribed by Section 40-2A-10,” other than disclosures to the Department of Environmental Management and the Drycleaning Environmental Response Trust Advisory Board as necessary for them to administer the fund.

ALA. CODE	PRIMARY AGENCY	RECORDS / INFORMATION PROTECTED
§ 22-36-8	State Dept. of Environmental Management	<u>Commercially sensitive information commingled with underground tank or wellhead records.</u> Generally, records and reports provided to the department concerning underground tanks and wellheads are public, except that upon a satisfactory showing that documents would divulge certain commercially sensitive information, the department must treat those documents as confidential. This exception is not available for information regarding “the presence or concentration of substances in waters.”
§ 22-50-61(b)	Comm’r of Mental Health and Mental Retardation	<u>Identification of persons reporting or reported for mental health purposes.</u> Neither the commissioner nor “any person” may disclose “any information which might reasonably cause the identification” of a person reporting or reported for purposes of the Commission’s collection of mental health information.
§ 22-50-62	State Dept. of Mental Health and Mental Retardation	<u>Information acquired for professional treatment.</u> “No employee of any of the facilities under the management, control, supervision or affiliated with the [department] shall be required to disclose” documents or information acquired as necessary for professional treatment of a patient at such a facility, with exceptions where ordered by a court.
§ 22-50-91	State Dept. of Mental Health and Mental Retardation	<u>Criminal history background and certain other information.</u> The department must develop regulations to carry out its functions in a manner that does not violate constitutional rights, “including those necessary to safeguard the confidentiality of any criminal history background information.”
§ 22-52-10.8	Criminal Justice Information Center	<u>Medical and other information of certain mental health patients.</u> When a probate judge orders an involuntary commitment to certain mental health facilities, and the person committed demonstrates a risk of inappropriate use of firearms, the judge must send the order to the Criminal Justice Information Center, which then must enter the order into national criminal background database and a national “index denied persons file.” The records maintained may be used only to determine “eligibility to purchase or transfer a firearm” and may not include “confidential medical or treatment records, confidential tax or financial data, library records, or other personal information.”



ALA. CODE	PRIMARY AGENCY	RECORDS / INFORMATION PROTECTED
§ 22-56-4(b)(6)	Unlimited application to public and private entities	<u>Records of mental health care consumers.</u> Consumers of mental health services have the right to “confidentiality of all information in the consumer’s mental health, medical, and financial records.”
§ 25-1-40	State Dept. of Industrial Relations; consumer reporting agencies	<u>Wage information.</u> The department may allow consumer reporting agencies to access quarterly wages information of individuals, but must implement procedures to protect the confidentiality of the information.
§ 25-2-22	State Dept. of Industrial Relations	<u>Employer information provided to the department.</u> Employers must provide whatever information the department requires, and allow access for copying of books and records, but “[i]nformation secured under the provisions of this section shall not be published or be open to public inspection in any manner revealing the employer's or owner's identity.”
§ 25-4-116	Director of Industrial Relations	<u>Information concerning employment, wages, etc.</u> Information obtained by the director concerning “employment, wages, hours, unemployment, and related matters” is confidential except to contest a claim. Reports, correspondence, etc. “from employer or employee to each other or to the director” are “absolutely privileged and shall not be made the subject matter or basis for any civil action for slander or libel.”
§ 25-5-294	State Dept. of Industrial Relations	<u>Information obtained under workers’ compensation ombudsman program.</u> The department must keep confidential all documents and information concerning communications between and among employers, employees and the department regarding the workers’ compensation ombudsman program. Such documents and information “shall not be published or open to public inspection in any manner,” with an exception for the “proper presentation of the contest of a claim.”



ALA. CODE	PRIMARY AGENCY	RECORDS / INFORMATION PROTECTED
§ 25-5-339(a), (b), (c)	“Employers, laboratories, medical review officers, employee assistance programs, drug or alcohol rehabilitation programs”	<u>Controlled substance testing information.</u> Drug or alcohol testing information must be kept confidential unless a waiver that meets detailed requirements as to its content is signed by the person tested.
§ 25-11-11	State Dept. of Industrial Relations	<u>Unemployment compensation information.</u> The department may provide “certain unemployment compensation information to child support enforcement agencies” as required by § 303(e) of the Social Security Act, but only subject to safeguards to protect confidentiality as required by § 303(e)(1)(B).
§ 25-14-5(h)	State Dept. of Industrial Relations	<u>Information received from professional employer organizations.</u> The department must keep confidential all records, client listings, client reports, financial statements, and other information obtained from a professional employer organization under the Alabama Professional Employer Organization Registration Act, except to the extent necessary for the proper administration of the act.
§ 26-1-4(a)	State Dept. of Public Safety, State Dept. of Human Resources, youth service agencies	<u>Criminal background for child-related employment application.</u> The Department of Human Resources or a youth services agency approved by that department may request information concerning the criminal background of an applicant for a position “whose primary duty is the care or treatment of children.” Such information must be kept confidential.
§ 26-10-28	State Dept. of Human Resources	<u>Subsidized adoption records.</u> “All records regarding subsidized adoption shall be confidential and may be disclosed only in accordance with 26-10A-31, 26-10A-32, 38-2-6(8) and 38-7-13.”



ALA. CODE	PRIMARY AGENCY	RECORDS / INFORMATION PROTECTED
§ 26-10A-31(c)	Courts	<u>Adoption case records.</u> After a final adoption decree is entered, “all papers, pleadings, and other documents pertaining to the adoption shall be sealed” and kept from inspection except as provided in § 22-9A-12(c). Other provisions governing adoption-related information are found elsewhere in § 26-10A-31.
§ 26-10A-32	State Dept. of Human Resources, State Registrar of Vital Statistics	<u>Original birth certificate after adoption.</u> After the court enters a final adoption decree, the judge or clerk sends that information to these two offices, and the Registrar then issues a new birth certificate. Afterwards, “the original birth certificate and the evidence of adoption are not subject to inspection except upon order of the court for good cause shown.”
§ 26-10C-1(f), (h)	State Dept. of Human Resources	<u>Putative father registry.</u> The department maintains a registry of “putative fathers.” The registry is kept confidential except that the department “shall, upon request, provide the names and addresses of persons listed with the registry to any court.”
§ 26-14-3	Not applicable	<u>Child abuse or neglect information received by clergy.</u> As an exception to a general requirement to report information indicating child abuse or neglect, a member of the clergy is not required to report “information gained solely in a confidential communication privileged pursuant to Rule 505 of the Alabama Rules of Evidence,” and that communication remains privileged.
§ 26-14-7.1	State Dept. of Human Resources and employers	<u>Information concerning alleged perpetrator of child abuse or neglect.</u> If a hearing examiner finds that child abuse or neglect by an employee of a licensed child care facility is “indicated,” then the department may notify the alleged perpetrator’s employer, but the “notification shall be marked ‘Confidential’ and ‘To Be Used Only For The Purpose Of Discovery Or Preventing Child Abuse.’”
§ 26-14-8(c)	State Dept. of Human Resources	<u>Child abuse reports.</u> The department maintains reports of child abuse and neglect, which are generally kept confidential except under certain enumerated circumstances.



ALA. CODE	PRIMARY AGENCY	RECORDS / INFORMATION PROTECTED
§ 26-16-97	State and local multi-agency “teams” that review child deaths	<u>Identification of persons and agencies associated with a deceased child, at public meetings.</u> The statute provides that meetings of these teams are “closed to the public” and further prohibits disclosure of certain information at hearings open to the public, namely, information “identifying a deceased child, a family member, guardian or caretaker of a deceased child, or an alleged or suspected perpetrator of abuse or neglect upon a child” or “regarding the involvement of any agency with the deceased child or family.”
§ 26-16-98	State and local multi-agency “teams” that review child deaths	<u>Child death investigations.</u> “All information and records acquired” by these teams in their review of child deaths “are confidential, exempt from disclosure under Section 41-13-1, and may only be disclosed as necessary to carry out the team’s duties and purposes.” Further, those attending team meetings “may not disclose what transpired at a meeting which is not public under Section 26-16-97.”
§ 26-17-19(c)	Registrar of Vital Statistics	<u>Information relating to new birth certificate issued based on paternity issue.</u> If a new birth certificate is issued due to new information concerning paternity, “evidence upon which the new certificate was made and the original birth certificate shall be kept in a sealed and confidential file subject to inspection only upon an order of the court for good cause shown.”
§ 26-17-21(a)	State Dept. of Health	<u>Artificial insemination information.</u> If a woman is artificially inseminated with semen not her husband’s, and the husband’s consent is “in writing and signed by him and his wife,” then the physician certifies “their signatures and the dates of the insemination, and file[s] the husband’s consent with the [department], where it shall be kept confidential and in a sealed file.” All associated papers and records “are subject to inspection only upon an order of the court for good cause shown.”

ALA. CODE	PRIMARY AGENCY	RECORDS / INFORMATION PROTECTED
§ 26-17-22(g)	Office of Vital Statistics; Dept. of Human Resources	<u>Paternity affidavit:</u> “The affidavit of paternity shall be considered a confidential record and access shall be available in the same manner as birth records.” This affidavit “shall not be subject to the provisions of Section 22-9A-12(c) and shall be released by the Office of Vital Statistics to the Department of Human Resources upon request by the department and payment of any [required] fee . . . for the purpose of child support enforcement or any other lawful purpose without the necessity of a court order.”
§ 26-21-4(i)	Courts	<u>Waiver of parental consent for a minor to have an abortion.</u> Proceedings for a minor to obtain such a waiver are “confidential and anonymous,” and the minor is identified “by initials only.”
§ 26-21-8(a)	Courts	<u>Waiver of parental consent for a minor to have an abortion.</u> Court proceedings to waive parental consent for a minor to obtain an abortion “are confidential and shall not be disclosed other than to the minor, her attorney and necessary court personnel,” although the Bureau of Vital Statistics may keep “statistical records and information as long as the anonymity of the minor is in no way compromised.”
§ 26-23A-11	Courts	<u>Woman’s identity in Woman’s Right to Know Act proceeding:</u> In a civil or criminal action under the Woman’s Right to Know Act (which requires certain disclosures to the patient and documentation of her informed consent prior to an abortion), if the woman does not consent to the disclosure of her identity, “the court shall rule whether the anonymity of any woman upon whom an abortion has been performed or attempted, shall be preserved from public disclosure.”
§ 27-2-14	State Comm’r of Insurance	<u>Records and filings.</u> “The records of the commissioner and insurance filings in his office shall be open to public inspection, except as otherwise provided by this title.”

ALA. CODE	PRIMARY AGENCY	RECORDS / INFORMATION PROTECTED
§ 27-2-24	State Comm’r of Insurance	<u>Examinations and investigation reports.</u> Under § 27-2-20, the commissioner may investigate if there is reason to believe a violation of state insurance laws has occurred. Section 27-2-24 provides in part, “The commissioner may withhold from public inspection any examination or investigation report for so long as he deems necessary to protect the person examined from unwarranted injury or to be in the public interest.”
§ 27-2A-2(d)	State Comm’r of Insurance	<u>Insurer reports.</u> Reports from insurers to the commissioner are confidential and not subject to subpoena without the consent of the insurer; but the commissioner may publish information in these reports after giving the insurer “notice and the opportunity to be heard,” if the commissioner finds that “the interest of policyholders, shareholders, or the public will be served.”
§ 27-2B-9(a)	State Comm’r of Insurance	<u>Risk-based capital reports.</u> Such reports “shall not be made public or be subject to subpoena, other than by the commissioner, and then only for the purpose of enforcement actions taken by the commissioner.”
§ 27-3A-2(5)	Utilization review agents	<u>Medical records held by “utilization review agents.”</u> These agents are to “maintain the confidentiality of medical records in accordance with applicable laws.” (A “utilization agent” is a person, which may include the State, who utilizes a “system for . . . review of the necessity and appropriateness in the allocation of health care resources and services given . . . to an individual within this state.”)
§ 27-3A-5(a)(7)	Utilization review agents	<u>Medical records held by “utilization review agents.”</u> These agents are to “comply with all applicable laws to protect the confidentiality of individual medical records.”



ALA. CODE	PRIMARY AGENCY	RECORDS / INFORMATION PROTECTED
§§ 27-7-30, 27-7-30.3	State Dept. of Insurance	<u>Investigation of insurance broker termination.</u> An insurer must notify the department of the appointment and termination of a “producer” (broker). The department may request a written explanation of the reasons for termination and conduct further investigations. Subject to certain exceptions, documents and information received by the department during such an investigation are “confidential by law and privileged, . . . not be subject to any open records or freedom of information laws, . . . not be subject to subpoena, and . . . not be subject to discovery or admissible in evidence in any private civil action.”
§ 27-7-38	State Dept. of Insurance	<u>Complaint-related information.</u> Communications, documents, and other information proffered at a hearing to consider a complaint against a seller of insurance products “shall be absolutely privileged to the same extent as in a court of law and shall never form the subject matter of any action, claim or proceeding” against either the party making the complaint or the broker.
§ 27-21A-10	State Comm’r of Insurance; State Health Officer	<u>HMO complaint information.</u> Health maintenance organizations are required to maintain a system to handle complaints of enrollees and report annually to the State Health Officer regarding, among other things, malpractice claims and other health care claims settled in that year. The commissioner must hold “[a]ll such information” in confidence.
§ 27-21A-24	State Comm’r of Insurance; State Health Officer	<u>Application to form a health maintenance organization.</u> “Applications, filings and reports required under this chapter” are public documents except for certain commercially sensitive information (other than the financial statement required by § 27-21A-8). “All testimony, documents and other evidence required to be submitted to the commissioner or State Health Officer” in an enforcement proceeding “shall be absolutely confidential and shall not be admissible in evidence in any other proceeding.” The commissioner or State Health Officer may withhold “any examination or investigation report for so long as they deem necessary to protect the person examined from unwarranted injury or to be in the public interest.”

ALA. CODE	PRIMARY AGENCY	RECORDS / INFORMATION PROTECTED
§ 27-21A-25	Health maintenance organizations	<u>Medical information.</u> “Any data or information pertaining to the diagnosis, treatment, or health of any enrollee or applicant obtained from such person or from any provider by any [HMO] shall be held in confidence” except under certain circumstances.
§ 27-26-5(c)	State medical licensing agencies	<u>Judgment for or settlement of medical malpractice claim.</u> A medical liability insurance company must report to the state licensing agency for the applicable doctor, hospital, or other health care provider regarding “any final judgment” or out-of-court settlement. That report and subsequent proceedings of the licensing agency are privileged and confidential.
§ 27-29-3(b)(2)	State Comm’r of Insurance	<u>Loan source for insurer tender offer.</u> Parties making or requesting a tender offer for a “domestic insurer” must report to the commissioner. If the source of funds is a loan and the person making the filing so requests, the identity of the lender must remain confidential.
§ 27-29-7	State Comm’r of Insurance	<u>Insurer investigation.</u> Information and documents obtained by “the commissioner or any other person” in “an examination or investigation made pursuant to section 27-29-6” (to examine the financial condition or legality of an insurer’s conduct) or in a report under section 27-29-4 (concerning registration of members of insurance holding company systems) “shall not be subject to subpoena and shall not be made public” except under certain circumstances.
§ 27-31B-3(c)(4)	State Dept. of Insurance	<u>Certain filings of captive insurers.</u> Pursuant to the Alabama Captive Insurers Act, the department must keep confidential certain specified filings of captive insurers and may not make them publicly available without the written consent of the company, except pursuant to a judicial or administrative subpoena or when provided to a public officer having jurisdiction over the regulation of insurance in another state, subject to certain conditions.



ALA. CODE	PRIMARY AGENCY	RECORDS / INFORMATION PROTECTED
§ 27-36-7	State Dept. of Insurance	<u>Actuary opinion on life insurer.</u> Life insurers must submit annual opinions rendered by an actuary to the department concerning whether the insurer’s reserve liabilities “and related actuarial items” are correctly computed, “based on assumptions which satisfy contractual provisions,” are “consistent with prior reported amounts,” and are lawful. The department must keep confidential any information included by the insurer with the opinion, subject to certain exceptions.
§ 27-44-12	State Comm’r of Insurance	<u>Request for an examination of life and disability insurer for impairment or insolvency.</u> Where the Life and Disability Insurance Guaranty Association provides the commissioner such a request for a member insurer, the commissioner must keep the request confidential until the report is released to the public.
§ 27-55-3	Not applicable	<u>Confidential abuse information held by an insurance company.</u> “Where the insurer has information in its possession” indicating abuse of the “applicant, insured, or claimant,” the insurer may not disclose such information except for enumerated purposes, including disclosure to the subject of abuse, to certain health care providers, when ordered by a tribunal or otherwise required by law, and when “necessary for a valid business purpose.”
§ 27-58-5	State Dept. of Insurance	<u>Vehicle warrantor’s financial statement.</u> As a condition of selling a vehicle protection product, a warrantor may be required to file a financial statement with the department. That statement is exempt from public disclosure under Section 36-12-4.
§ 29-2-106	State Depts. of Human Resources, Mental Health and Mental Retardation, and Youth Services	<u>Registry of children in state care.</u> These agencies must create a registry of children in state care. “All information and records obtained pursuant to this section shall be confidential and may not be disclosed in a way which may identify any individual, adult, or child.”



ALA. CODE	PRIMARY AGENCY	RECORDS / INFORMATION PROTECTED
§ 29-2-107	Unlimited	<u>Documents regarding state care or placement of children.</u> Documents regarding “children in state care” or relating to the “planning, placement or care of a child in the care or custody of a state agency shall not be a public record” and may be disclosed only in connection with certain lawful purposes relating to care or services for that child.
§ 29-7-6(c)(1)	Legislative Reference Service	<u>Legislators’ requests for assistance.</u> Communications regarding the requests for assistance from legislators, the lieutenant governor, or their designee are “privileged and confidential.”
§ 30-3-135(c)	Courts	<u>Contact information of domestic violence victim.</u> “The court may order the address of the child or the victim of family or domestic violence to be kept confidential.”
§ 30-3-167	Courts	<u>Contact information of child abuse victim.</u> As an exception to parent-child relationship requirements, a court may order that contact information of a child “not be disclosed” in pleadings, to protect persons at risk for domestic violence or abuse.
§ 30-3-191	State Dept. of Human Resources.	<u>Definition of confidential information.</u> “Information provided by a service applicant or recipient or obtained from other sources about him or her which may be released only as required by court order or state or federal law.”
§ 30-3-192	State agency administering the child support program under Title IV-D, Social Security Act	<u>Financial information in the “data match system.”</u> The statute authorizes the Title IV-D agency to contract with financial institutions to “develop and operate a data match system” by which financial and other information concerning noncustodial parents who owe child or spousal support. The agency “may disclose financial records only for the purpose of and to the extent necessary in establishing, modifying, or enforcing a child or spousal support.”

ALA. CODE	PRIMARY AGENCY	RECORDS / INFORMATION PROTECTED
§ 30-3-199	State agency administering the child support program under Title IV-D, Social Security Act	<u>Information in certain domestic proceedings that may cause physical or emotional harm.</u> The agency must establish regulations governing “confidential information handled by the agency designed to protect the privacy rights of the parties,” including “[s]afeguards against unauthorized use or disclosure of information relating to proceedings or actions to establish paternity or to establish or enforce support” and “[p]rohibitions against the release of information on the whereabouts of one party to another party” if there is a protective order or “reason to believe that the release of the information may result in physical or emotional harm to the former party or children of the parties.”
§ 30-3A-312	“Tribunals” (court, agency, or any other entity with authority to order support or determine parentage)	<u>Address of at-risk child or victim in parentage proceeding.</u> “Upon a finding, which may be made ex parte, that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information, or if an existing order so provides, a tribunal shall order that the address of the child or party or other identifying information not be disclosed in a pleading or other document filed in a proceeding under this chapter.”
§ 30-3B-209	Courts	<u>Location of at-risk party or child.</u> “If a party alleges . . . under oath that the health, safety, or liberty of a party or child would be jeopardized by disclosure of the present address or whereabouts of a party or child, the information must be sealed and may not be disclosed to the other party or the public” unless the court so orders after a hearing to consider “the health, safety, or liberty of the party or child.”
§ 30-5-5(e)(1)	Courts	<u>Contact information for domestic violence victim.</u> In a domestic violence case, “[u]pon request, the court shall order the omission or deletion of the plaintiff’s address, the address of any member of the plaintiff’s family or household, or an address that would reveal the confidential location of a shelter for victims of domestic violence” from any public document.

ALA. CODE	PRIMARY AGENCY	RECORDS / INFORMATION PROTECTED
§ 30-6-8	Office of Prosecution Services; circuit courts; the district attorney; domestic violence shelters or facilities	<u>Information relating to domestic abuse allegations.</u> These entities must keep confidential information received concerning domestic abuse allegations and may not disclose information “in such a manner as to identify individuals or facilities.”
§ 31-1-1	County commissions	<u>Records of persons released from active duty.</u> County commissions are to keep records of releases of persons from active duty from the military services. The county’s record of release from active duty “shall be confidential” and it shall be unlawful to disclose information from that record, except under certain circumstances, and in no case for “any commercial or speculative purpose.”
§ 31-9A-14	Dept. of Homeland Security	<u>Homeland security information.</u> “Records and information under this chapter are protected from disclosure by applicable state and federal laws. Further exemptions may specifically be granted by administrative rules promulgated under this chapter.” (For example, § 31-91-8 authorizes preparation of “a comprehensive plan and program for homeland security.”
§ 32-5A-191	State Dept. of Public Safety	<u>Youthful driver of vehicle with BAC between .02 and .08.</u> A first-time offender of a prohibition against drivers under age 21 having a blood alcohol content between .02 and .08 percent is subject to a driver’s license suspension of 30 days. However, “there shall be no disclosure, other than to courts, law enforcement agencies, and the person’s employer, by any entity or person of any information, documents, or records relating to the person’s arrest, conviction, or adjudication of or finding of delinquency based on this subsection.”



ALA. CODE	PRIMARY AGENCY	RECORDS / INFORMATION PROTECTED
§ 32-6-43	State Dept. of Public Safety and its Director; State Driver License Medical Advisory Board	<u>Driver qualification information.</u> “Reports or records, received or made” by the board or the director regarding “whether a person meets the medical, physical, or mental standards to be licensed as a driver,” are confidential and “shall not be divulged,” except in proceedings to cancel, suspend or revoke a driver’s license.
§ 32-7A-21	State Dept. of Revenue	<u>Motor vehicle registration status.</u> “Information regarding the motor vehicle registration suspension or reinstatement status of any person is confidential and shall be released only to the person who is the subject of a suspension or possible suspension, or to law enforcement agencies, courts, and other governmental entities . . . as necessary in the administration of the provisions of this chapter.”
§ 32-10-11	State Dept. of Public Safety and its Director	<u>Accident reports.</u> Motor vehicle accident reports are “for the confidential use of the director or of other state agencies having use for the records for accident prevention purposes,” except when the identity of an involved person is not known or “when such person denies his presence at such accident,” or when the fact of the filing of a report is at issue in a trial.
§ 33-5-7	State Dept. of Conservation and Natural Resources, probate judge, license commissioner	<u>Marine police records.</u> Records relating to the marine police (such as vessel registrations) are public information, “except confidential reports and except accident reports as set out in this article.”
§ 33-5-25(c)	State Dept. of Conservation and Natural Resources and other agencies	<u>Vessel accident reports.</u> Accident reports concerning vessel accidents are for the confidential use of the department and other agencies, except that the department “may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident.”

ALA. CODE	PRIMARY AGENCY	RECORDS / INFORMATION PROTECTED
§ 33-18-1	Mediator of ACT Compact disputes	<u>Information submitted during mediation.</u> In the event of a dispute between Alabama and Georgia “involving a claim relating to a compliance with the allocation formula adopted by the commission under” the Alabama-Coosa-Tallapoosa River Basin Compact, then a party may file a complaint at the ACT Basin Commission. Under certain circumstances, the commission may appoint a mediator. “The mediator shall not divulge confidential information disclosed to the mediator by the parties or by witnesses, if any, in the course of mediation.” Other confidentiality requirements also apply to this mediator.
§ 33-19-1	Mediator of ACF Compact disputes	<u>Information submitted during mediation.</u> In the event of a dispute between any two or more of the three states (Alabama, Florida and Georgia) “involving a claim relating to a compliance with the allocation formula adopted by the commission under” the Apalachicola-Chattahoochee-Flint River Basin Compact, then a party may file a complaint at the ACF Basin Commission. Under certain circumstances, the commission may appoint a mediator. “The mediator shall not divulge confidential information disclosed to the mediator by the parties or by witnesses, if any, in the course of mediation.” Other confidentiality requirements also apply to this mediator.
§ 34-1-3(o)	State Board of Public Accountancy	<u>Information relating to investigations.</u> The board must hold in confidence “[a]ny records, information, or writings obtained or kept by the Board . . . in connection with a peer review program . . . or . . . a disciplinary investigation . . . except to the extent necessary to carry out the purposes of the peer review program, the investigation, or the provisions of this chapter,” or “pursuant to a court order,” or “pursuant to litigation involving the Board.”
§ 34-1-21	State Board of Public Accountancy	<u>Documents prepared by a certified public accountant or public accountant during a “practice monitoring program or peer review, conducted by the board.”</u> Such documents are board property, and that information is deemed confidential, except pursuant to certain examinations and investigations.



ALA. CODE	PRIMARY AGENCY	RECORDS / INFORMATION PROTECTED
§ 34-1A-5	State Electronic Security Board of Licensure	<u>Information relating to an alarm system.</u> “Information contained in alarm system records held by the board concerning the location of an alarm system, the name of the occupant residing at the alarm system location, or the type of alarm system used shall be confidential and disclosed only to the board or as otherwise required by law.”
§ 34-3-20(4)	Attorneys (whether public or private)	<u>Attorney-client confidences.</u> “It is the duty of attorneys . . . [t]o maintain inviolate the confidence and at every peril to themselves to preserve the secrets of their clients.”
§ 34-8A-21	Counselors (whether public or private)	<u>Counselor-client confidences.</u> “[T]he confidential relations and communications between licensed professional counselors or certified counselor associate and client are placed upon the same basis as those provided by law between attorney and client.”
§ 34-9-12	Not applicable	<u>Multi-state dentist patient records and information.</u> “Every person issued a special purpose license to practice dentistry across state lines shall comply with all laws, rules, and regulations governing the maintenance of patient records, including patient confidentiality requirements, regardless of the state where the records of any patient within this state are maintained.”
§ 34-11-5(a)	State Board of Licensure for Professional Engineers and Land Surveyors	<u>References, etc. included in license applications.</u> “All references and experience verifications” furnished to the board for purposes of an application for a license “shall be confidential records of the board.”
§ 34-11-37(e)	State Board of Licensure for Professional Engineers and Land Surveyors	<u>Examination and application information.</u> “Board records and papers of the following class are of a confidential nature and are not public records: Examination material for examinations not yet given; file records of examination problems and solutions; exam scores; letters of inquiry and reference concerning applicants; transcripts of college courses and grades; board inquiry forms concerning applicants; pending and closed complaints and investigative files which shall remain confidential until an actual formal hearing may commence; and all other materials of like confidential nature.”



ALA. CODE	PRIMARY AGENCY	RECORDS / INFORMATION PROTECTED
§ 34-14A-8.1	Home Builders Licensure Board	<u>Information in complaint and investigation files.</u> Records, documents, and information in the board’s complaint and investigation files generally are confidential and shall not be public records, nor are they available for court subpoena or discovery in civil proceedings.
§ 34-17A-21	Marriage and family therapists (whether public or private)	<u>Confidences between marriage and family therapists and clients.</u> “[T]he confidential relations and communications between licensed marriage and family therapists and client are placed upon the same basis as those provided by law between attorney and client,” except under certain circumstances.
§ 34-21-25(j)(6)	State Board of Nursing	<u>Information concerning impairment of a licensed nurse.</u> Records of a licensed nurse in proceeding under the Disciplinary Alternative Program (for early identification and treatment of impairments such as substance abuse) are confidential and not subject to disclosure or subpoena.
§ 34-21A-7(a)(8)	State Onsite Wastewater Board	<u>Complaint and investigation process.</u> Among the duties of the board are to “[e]stablish a complaint process and the confidential procedures to investigate alleged violations as set forth in this chapter.”
§ 34-22-84	Not applicable	<u>Multi-state optometrist patient records and information.</u> An optometrist licensed to practice across state lines “shall comply with all laws, rules, and regulations governing the maintenance of patient records, including patient confidentiality requirements, regardless of the state where the records of any patient within this state are maintained.”
§ 34-22-106	Alabama Board of Optometry	<u>Board records pertaining to an impaired optometrist.</u> Such records shall be confidential and shall not be subject to discovery or subpoena.
§ 34-24-59	State Board of Medical Examiners (and hospitals and professional societies)	<u>Physician disciplinary reports.</u> Reports from hospitals and medical professional societies regarding disciplinary actions against physicians to the Board “shall be privileged from discovery and the individual making the report shall be immune from liability.”

ALA. CODE	PRIMARY AGENCY	RECORDS / INFORMATION PROTECTED
§ 34-24-60	State Board of Medical Examiners	<u>Documents and information associated with board investigations and inquiries.</u> Such information “shall be privileged and confidential, shall be used only in the exercise of the proper functions of the board, and shall not be public records nor available for court subpoena or for discovery proceedings.”
§ 34-24-166	State Board of Chiropractic Examiners	<u>Information regarding licensing and disciplinary actions.</u> Records provided to the board for purposes of certain licensing and disciplinary actions “are confidential and shall be used by the board only in the exercise of the proper function of the board and shall not be public records nor available for court subpoena or for discovery proceedings.”
§ 34-24-360(19)f	State Medical Licensure Comm’n	<u>Records concerning impairment of a doctor or osteopath.</u> Under § 34-24-360(19)d, the Commission may request a release from a doctor or osteopath allowing the Commission to retain records relating to treatment for “any physical, psychiatric, or psychological illness or for chemical dependency, drug addiction, or alcohol abuse.” Section 34-24-360(19)f stipulates that these records “are hereby declared to be privileged and confidential and shall not be public records nor available for court subpoena” but may be used in Commission proceedings.
§ 34-24-361(i)	State Medical Licensure Comm’n; State Board of Medical Examiners	<u>Complaints regarding physicians or osteopaths.</u> Such complaints that are submitted to these offices for hearing “shall be absolutely privileged and no law suit predicated thereon may be instituted.”
§ 34-24-361.1	State Medical Licensure Comm’n	<u>Documents relating to commission hearings.</u> “All hearings conducted by the commission shall be closed. The record in such hearings, including witness testimony, exhibits, and pleadings, shall be confidential, shall not be public record, and shall not be available for court subpoena or for discovery proceedings.”
§ 34-24-404	State Physician Wellness Committee	<u>Documents provided to or produced by this committee.</u> Such documents, as well as “any findings, conclusions, recommendations or reports” related to proceedings of the committee are “declared to be privileged and confidential.”



ALA. CODE	PRIMARY AGENCY	RECORDS / INFORMATION PROTECTED
§ 34-24-405	State Board of Medical Examiners	<u>Report of impaired physician or osteopath.</u> The Alabama Physician Wellness Committee is required to report to the board any physician or osteopath unable to practice due to substance abuse or a physical or mental condition. This report may include “reports, evaluations, treatment records,” and related documents. Any such documents “received by the board . . . shall be privileged and confidential and shall not be public records nor available for court subpoena or for discovery proceedings,” subject to exceptions for the board’s proceedings.
§ 34-24-504	Not applicable	<u>Multi-state physician and osteopath patient records and information.</u> A physician or osteopath licensed to practice across state lines “shall comply with all laws, rules, and regulations governing the maintenance of patient medical records, including patient confidentiality requirements, regardless of the state where the records of any patient within this state are maintained.”
§ 34-26-2	Psychologists and psychiatrists (whether public or private)	<u>Confidences between psychologists and patients.</u> “[T]he confidential relations and communications between licensed psychologists, licensed psychiatrists, or licensed psychological technicians and their clients are placed upon the same basis as those provided by law between attorney and client.”
§ 34-27-84	Not applicable	<u>Information provided to real estate broker.</u> A licensed real estate broker must “keep confidential any information given to the licensee in confidence, or any information obtained by the licensee that the licensee knows a reasonable individual would want to keep confidential,” subject to certain exceptions.
§ 34-27A-12	Real Estate Appraisers Board	<u>Appraisal information on appraisal license application.</u> An applicant for a real estate appraisal license must include information about the applicant’s experience, including a “detailed listing” of “real estate appraisal reports or file memoranda.” “At all times the confidential relationship between the appraiser and the client shall be maintained.”



ALA. CODE	PRIMARY AGENCY	RECORDS / INFORMATION PROTECTED
§ 34-27A-16(c)	Real Estate Appraisers Board	<u>Address of real estate appraisers.</u> Licensed real estate appraisers must provide a current residential address to the board, but these addresses “are exempt from disclosure as public records.”
§ 34-27A-20(11)	Not applicable	<u>Government records obtained for real estate appraisal.</u> A licensed real estate appraiser may not “[v]iolat[e] the confidential nature of government records to which he or she gained access through employment or engagement as an appraiser by a governmental agency.”
§ 34-29-66(b)(6), (8)	State Board of Veterinary Medical Examiners	<u>Records of license-related meetings.</u> Board meetings and records thereof are generally public, but meetings are closed for licensure-related proceedings, and records of such meetings are not open to the public.
§ 34-29-68	State Board of Veterinary Medical Examiners	<u>License applications, complaints, etc.</u> “Information received by the board through applications, complaints, inspections, and investigations shall be confidential and not disclosed,” except in a proceeding where the question of issuance of the license or of a disciplinary proceeding is at issue.
§ 34-29-111	State Veterinary Professionals Wellness Committee	<u>Information concerning impaired veterinarians.</u> This committee is may assist the State Board of Veterinary Medical Examiners to identify and treat problems of substance abuse and mental or physical conditions of veterinarians. Information and documents received by the board are “privileged and confidential.”
§ 34-38-4	State Impaired Professionals’ Committee	<u>Personally identifiable information in committee reports.</u> The committee is authorized to make periodic reports, but “shall not disclose any personally identifiable information except as provided in Section 34-38-7.”
§ 34-38-6	State Impaired Professionals’ Committee	<u>Documents relating to impaired professional committee proceedings.</u> Information and documents provided to or produced by this committee and “any findings, conclusions, recommendations or reports” relating the committee’s proceedings are “declared to be privileged and confidential” and “shall not be public records nor available for court subpoena or for discovery proceedings.”



ALA. CODE	PRIMARY AGENCY	RECORDS / INFORMATION PROTECTED
§ 34-41-15(c)	State Board of Licensure for Professional Geologists	<u>Material relating to license application and examination.</u> “The board shall treat as confidential and not subject to disclosure, except to the extent required by law or by rule or regulation of the board, individual test scores and applications and material relating thereto, including letters of reference relating to an application.”
§ 35-12-89(d)	State Treasurer	<u>Unclaimed property examinations.</u> Subject to certain exceptions, “[d]ocuments and working papers obtained or compiled by the Treasurer, or the agents, employees, or designated representatives of the Treasurer, in the course of conducting an examination [relating to unclaimed property] are confidential and are not public records.”
§ 35-12-94	State Treasurer	<u>Unclaimed property information.</u> Where a “holder” (one holding property of another or a trustee of a trust for another’s benefit) provides “certain information . . . such as Social Security numbers, policy numbers, tangible property descriptions, and property dollar amounts,” to the Treasurer under the Uniform Disposition of Unclaimed Property Act of 2004, such information “is not considered a public writing, but is confidential and exempt from the provisions of Section 36-12-40, and not subject to dissemination to anyone other than the Treasurer and the property owner. Except as expressly authorized by the Treasurer, it shall be unlawful for any person to print, publish, or divulge any information regarding property subject to this article.”



ALA. CODE	PRIMARY AGENCY	RECORDS / INFORMATION PROTECTED
§ 36-12-40	Unlimited	<u>Library records; critical infrastructure and energy infrastructure information.</u> Certain information is excluded from the Alabama open records law within the terms of the law itself. There are general exemptions for “registration and circulation records and information concerning the use of the public, public school or college and university libraries of this state”; and “records concerning security plans, procedures, assessments, measures, or systems, and any other records relating to, or having an impact upon, the security or safety of persons, structures, facilities, or other infrastructures, including without limitation information concerning critical infrastructure . . . and critical energy infrastructure information . . . , the public disclosure of which could reasonably be expected to be detrimental to the public safety or welfare, and records the disclosure of which would otherwise be detrimental to the best interests of the public.”
§ 36-13-13(b)	Governor’s Councillor	<u>Documents relating to Governor-Councillor communications.</u> “All reports, advice, counsel or recommendations of a councillor shall be confidential and privileged and shall not be divulged or revealed by a councillor to anybody except the Governor.” (A governor may appoint as Councillor a former two-term governor age 60 or older.)
§ 36-18-27	Director of Forensic Sciences	<u>DNA records.</u> The director may disclose DNA records collected to identify “criminal suspects or offenders” only (a) “[t]o criminal justice agencies for law enforcement identification purposes”; (b) “[i]n judicial proceedings, if otherwise admissible”; and (c) to a defendant for purposes of the defense.
§ 36-19-25	State Fire Marshal	<u>Testimony in fire investigation.</u> The Fire Marshal’s record of fires occurring in the state is generally public, “except any testimony taken in an investigation under the provisions of this chapter, which the Fire Marshall, in his discretion, may withhold from the public.”
§ 36-19-43(b)	State Fire Marshal	<u>Insurer information from fire investigation.</u> The Fire Marshal (and any other person) must keep confidential information received from an insurer in the context of an investigation of a fire.



ALA. CODE	PRIMARY AGENCY	RECORDS / INFORMATION PROTECTED
§ 36-25-4	State Ethics Comm'n	<u>State Ethics Commission complaints and related materials.</u> Complaints to the State Ethics Commission, including all information provided with the complaint, and documents and information related to the Commission's subsequent investigation, are protected to the same extent as provided in §§ 12-16-214 to 12-16-216 (relating to grand jury proceedings).
§ 36-25-8	All public officials and employees	<u>Confidential information and its use for private gain.</u> "No public official, public employee, former public official or former public employee, for a period consistent with the statute of limitations as contained in this chapter, shall use or disclose confidential information gained in the course of or by reason of his or her position or employment in any way that could result in financial gain other than his or her regular salary as such public official or public employee for himself or herself, a family member of the public employee or family member of the public official, or for any other person or business."
§§ 36-25A-4, 36-25A-7	Unlimited	<u>Executive sessions.</u> Section 36-25A-7 authorizes an "executive session" during an otherwise public meeting; section 36-25A-4 excludes executive sessions from the recordkeeping requirements otherwise applicable to public meetings.
§ 36-26-44	State Personnel Dept.	<u>Personnel department records.</u> Generally, the department's records are public records, but the statute provides an exception for "such records as the rules may require to be held confidential by reasons of public policy."
§ 37-1-13	Public Service Comm'n	<u>Information obtained through official business.</u> It is a misdemeanor for any commission employee to "divulge[] any fact or information coming to his knowledge respecting any inspection, examination or investigation of any account, record, memorandum, book or paper, or of the property and facilities of a utility, except insofar as he may be authorized by the commission or a court of competent jurisdiction."

ALA. CODE	PRIMARY AGENCY	RECORDS / INFORMATION PROTECTED
§ 37-1-62	Public Service Comm'n	<u>Reports and records held by the commission.</u> “All reports, records and accounts in the possession of the commission shall be open to inspection by the public at all times, except as otherwise provided for in this title, or as ordered by the commission, and under the rules prescribed by the commission.”
§ 37-2A-4	Public Service Comm'n	<u>Telephone company plans protecting confidentiality of family violence shelters.</u> Telephone service provider plans to “protect the confidentiality of the address or location of family violence shelters” must be filed with the commission and “shall not be open to examination by the public.”
§ 37-3-25	Public Service Comm'n	<u>Information received in motor carrier examination.</u> It is a violation for a commission employee to “divulge[] any fact or information which may come to his knowledge during the course of the examination of the accounts, records and memoranda of motor carriers or brokers as provided in this chapter, except as he may be directed by the commission or by a court of competent jurisdiction or judge thereof.”
§ 37-4-30	Public Service Comm'n	<u>Electricity contracts in certain proceedings.</u> If an existing electricity customer of utility seeks to enter a “private contract” for electric energy, the utility may file a petition for review under certain circumstances. In the subsequent proceeding, upon either party’s request, the commission may enter a “protective order . . . protecting the confidentiality of information in the private electric contract or the utility’s contract with the existing electric customer” if either party asserts “that the contract contains sensitive business information the disclosure of which may compromise competition or the proprietary rights” of either party or the prospective electricity supplier.
§ 37-10-5	State Highway Dept.	<u>Railroad information obtained for planning purposes.</u> The department may request information from railroads for planning purposes. The department “shall exercise all necessary caution to avoid disclosure of confidential information supplied under this section.”

ALA. CODE	PRIMARY AGENCY	RECORDS / INFORMATION PROTECTED
§ 38-1-4	County boards of human resources	<u>Limits on use of lists of public assistance recipients.</u> County boards of human resources must file quarterly reports of recipients of public assistance with the probate court. These reports are generally open for public inspection, but this provision does not “authorize or require the disclosure of any records of the county department of human resources pertaining to adoptions” or children placed in foster homes. Further, it “shall be unlawful” to obtain the above-noted records for “commercial or political purposes of any nature.”
§ 38-2-6(8)	State Dept. of Human Resources; any other state or county agency with welfare-related information	<u>Limitation on use of records; case records of public assistance recipients.</u> The department must establish rules governing “the custody, use, and preservation of the records, papers, files, and communications of the state and county departments.” The use of these documents “shall be limited to the purposes for which they are furnished and by the provisions of law under which they may be furnished.” Generally, case records of recipients of assistance “shall be considered confidential and not public writings and shall not be subject to public use or inspection.”
§ 38-2-6.1	Office of State Parent Locator	<u>Information acquired in locating absent parent.</u> This office is authorized to obtain “any information” from other government offices to locate an absent parent who owes child support or “a putative parent against whom a complaint has been filed.” Information obtained by this office is available to a government office “of any state” only “for the purposes of locating an absent parent for enforcing their liability of support.”
§ 38-2-12	State Dept. of Human Resources	<u>Department records, during destruction process.</u> The department has the authority to destroy certain records, including “obsolete case record material” and “cancelled county checks,” but shall also “establish reasonable rules and regulations insuring that the confidentiality of records shall be preserved during the process of destruction.”



ALA. CODE	PRIMARY AGENCY	RECORDS / INFORMATION PROTECTED
§ 38-6-4	State Dept. of Human Resources	<u>Information associated with medical assistance for the aged.</u> Department regulations to determine “eligibility for medical assistance for the aged” must “prescribe safeguards which restrict the use or disclosure of information concerning applicants for and recipients of medical assistance for the aged to purposes directly connected with the administration of this chapter.”
§ 38-7-7(a)(7)	State Dept. of Human Resources; child care facilities	<u>Information relating to children in child care facilities.</u> Department rules for licensing and approving child care facilities must include provisions for “[m]aintenance of records pertaining to the admission, progress, health and discharge of children, and provisions for confidentiality of such records.”
§ 38-7-13	State Dept. of Human Resources; child care facilities	<u>Information relating to children in child care facilities.</u> Records of child care facilities “regarding children and facts learned about children and their relatives shall be kept confidential by the child-care facility and by the department.” At age 19, a person “who was placed by the department or by a licensed child-placing agency” may obtain “information concerning his placement,” but identification of “a natural parent or relative” is available only with the consent of that person.
§ 38-9-6(e)	State Dept. of Human Resources; agencies involved in adult placement	<u>Adult placement records.</u> Records pertaining to placement of an adult (for purposes of “protection from abuse, neglect, exploitation, sexual abuse, or emotional abuse”) “shall not be open for public inspection.”
§ 38-9C-4(9)	Unlimited	<u>Records of persons with developmental disabilities and brain injury.</u> The statute provides a number of rights to “persons with developmental disabilities and traumatic brain injury,” including a right to “confidential handling of personal, financial, and medical records.”

ALA. CODE	PRIMARY AGENCY	RECORDS / INFORMATION PROTECTED
§ 38-12-3	State Bureau of Investigation; Dept. of Human Resources	<u>Criminal background of proposed kinship foster parent.</u> The bureau must investigate to determine “if there is a state or federal record of criminal history” of any person proposing to become a “kinship foster parent.” The department must “maintain the confidentiality of the investigation results” and use the results only to determine eligibility.
§ 38-12A-2	Not applicable	<u>Foster child information.</u> Foster parents have a right to receive “a written explanation of the plan concerning the placement of a child in the foster parent’s home.” Foster parents must keep confidential any confidential information, “except as determined through the individualized service plan (ISP) process to promote the health and welfare of the child.”
§ 38-13-7	State Depts. of Public Safety and Human Resources	<u>Criminal history as provided to an employer.</u> The Department of Public Safety performs “criminal history background information checks” on the request of “an employer, child care facility, adult care facility, or child placing agency.” The resulting report is forwarded to the Department of Human Resources, which must issue a “suitability determination and maintain a confidential file on individuals for whom a criminal history background information report or report updates have been received.”
§ 38-13-8	State Depts. of Public Safety and Human Resources	<u>Criminal history background information.</u> “All reports of criminal history background information received by [the departments] shall be confidential and marked confidential with no further disclosure and shall not be made available for public inspection.” Certain exceptions apply, such as certain releases to a court or with written consent.
§ 39-2-2	The “awarding authority” of a public works contract	<u>Public works contracting procedures, where there are security or confidentiality concerns.</u> Upon certain findings by the Alabama Department of Homeland Security, the awarding authority may let contracts “without public advertisement but with the taking of informal bids otherwise consistent with the requirements of this title and the requirements of maintaining confidentiality. Records of bidding and award shall not be disclosed to the public, and shall remain confidential.”

ALA. CODE	PRIMARY AGENCY	RECORDS / INFORMATION PROTECTED
§ 40-2A-4(b)(1)	State Taxpayer Advocate	<u>Department records accessed by the Taxpayer Advocate.</u> The Taxpayer Advocate, an employee of the Department of Revenue, “shall have full access to department personnel, books, and records subject, however, to the confidentiality restrictions imposed by this chapter.”
§ 40-2A-5(d)	State Dept. of Revenue	<u>Personal information and confidential information in revenue rulings:</u> Revenue rulings must omit all information that would “identify the particular taxpayer who requested the ruling” and, if the taxpayer requests, must also omit “trade secrets or other confidential information.”
§ 40-2A-9(m)	State Dept. of Revenue	<u>Administrative appeals of tax rulings:</u> Generally, records of appeals to the department’s Administrative Law are public information except (1) “where information received from the Internal Revenue Service is restricted by law or agreement” and (2) “as otherwise ordered by the administrative law judge.”
§ 40-2A-10	State Dept. of Revenue	<u>Tax returns.</u> Generally, and subject to exceptions, it is unlawful “for any person to print, publish, or divulge, without the written permission or approval of the taxpayer, the return of any taxpayer or any part of the return,” or information about tax owed or value reported, for any purpose other than “proper administration of any matter administered by the department, or upon order of any court, or as otherwise allowed in this section.”
§ 40-9B-6(c)	State Dept. of Revenue	<u>Industrial development tax abatement agreement.</u> The private user of an “industrial development property” or a “major addition” must file at the department the tax abatement agreement with the local “governing body.” The department must keep this agreement confidential unless the private user consents.
§ 40-9C-6(c)	State Dept. of Revenue	<u>Brownfield development tax abatement agreement.</u> The private user of a “brownfield development property” or a “major addition thereto” must file at the department the tax abatement agreement with the local “governing body.” The department must keep this agreement confidential unless the private user consents.



ALA. CODE	PRIMARY AGENCY	RECORDS / INFORMATION PROTECTED
§ 40-17A-13(a)	Comm'r of Revenue	<u>Information in drug and controlled substance excise tax return.</u> Neither the commissioner nor any other public employee may “reveal facts in a report or return required by this chapter” (concerning drug and controlled substance excise taxes) or use information from such a report or return against a dealer in a criminal proceeding, “except in connection with a proceeding involving taxes due under this chapter, unless such information is independently obtained.”
§ 40-18-107(b)	Comm'r of Revenue and certain state agencies asserting claims	<u>Department records provided to “claimant” state agencies.</u> The department may provide information to “claimant agencies” to facilitate collection, but such information retains “its confidentiality and shall only be used by a claimant agency” for collection purposes. Claimant agencies are certain state agencies which are owed debts from taxpayers, such as student loans, unemployment taxes, and court costs and fines. See § 40-18-100(1).
§ 40-26B-5(b)	State Dept. of Revenue	<u>Information received in collecting the pharmaceutical privilege tax.</u> The department must keep confidential information received in collecting the “privilege tax” levied on pharmaceutical providers, except that the department may provide “such information to the Alabama Medicaid Agency as necessary for the proper administration of the Medicaid program,” and except as necessary to administer the privilege taxes.
§ 40-26B-24(b)	State Dept. of Revenue	<u>Information received in collecting the nursing facility privilege tax.</u> The department must keep confidential information received in collecting the “privilege tax” levied on licensed nursing facilities, except that the department may provide “such information to the Alabama Medicaid Agency as necessary for the proper administration of the Medicaid program,” and except as necessary to administer the privilege taxes.
§ 40-27-1, art. VIII(6)	Multistate Tax Comm’n	<u>Audits performed by Multistate Tax Commission.</u> Under the Multistate Tax Compact, the state or a subdivision may request that the commission perform an audit on its behalf. Information obtained through such an audit “shall be confidential and available only for tax purposes to party states, their subdivisions or the United States,” subject to the laws of the states or subdivisions requesting the audit.



ALA. CODE	PRIMARY AGENCY	RECORDS / INFORMATION PROTECTED
§ 41-5-21	Department of Examiners of Public Accounts	<u>Working papers used in the preparation of reports of audit findings.</u> Working papers used in the preparation of such reports shall be subject to and treated as being under the provisions of Section 12-16-216 [making grand jury information confidential] and shall be subject to review by a court of competent jurisdiction only.
§ 41-6A-4(8)	State Dept. of Economic & Community Affairs*	<u>General duty to protect proprietary information.</u> Among the “programs and activities” of the department is the following: “To ensure that all information of a proprietary nature shall remain confidential.”
§ 41-6A-7	State Dept. of Economic & Community Affairs	<u>Energy grant proposal abstracts.</u> “Abstracts of proposals for energy-related grants . . . sent to the department for informational and coordination purposes . . . shall remain confidential.”
§ 41-6A-11	State Dept. of Economic & Community Affairs	<u>Proprietary information acquired by department.</u> The department must not divulge “any proprietary information acquired under the provisions of this chapter” except in the case of a court order or in the context of lawful publication of statistical information that does not disclose “the source of the information or the identity of individual companies.”
§ 41-8-10	Public libraries	<u>Library registration and circulation records.</u> “[R]egistration and circulation records and information concerning the use of the public, public school, college and university libraries of this state shall be confidential.” These records “shall not be open for inspection by, or otherwise available to, any agency or individual,” except the library itself; the state education department or the state Public Library Service for a library under the agency’s jurisdiction when “necessary to assure the proper operation of such library”; and “any parent of a minor child” with respect to “registration and circulation records of any school or public library that pertain to his or her child.”

* Title 41, Chapter 6A actually refers to the Department of Energy. However, the Legislature later transferred the Energy Department’s functions to the Department of Economic and Community Affairs. See Ala. Code § 41-23-1.



ALA. CODE	PRIMARY AGENCY	RECORDS / INFORMATION PROTECTED
§ 41-9-202.1	State Development Office	<u>Development proposals for which assistance is sought.</u> Information concerning proposed development projects for which the developer seeks certain tax benefits or assistance are confidential. The office may “enter into a confidentiality agreement with the prospective entity which prohibits the disclosure of the identity of the prospective entity and any information obtained . . . about the entity’s proposed project.”
§ 41-9-642	State Criminal Justice Information Center Comm’n; other persons and agencies	<u>Criminal histories.</u> The statute forbids “[d]isclosure of criminal histories or other information” that may allow “identification of the individual to whom such information pertains” except on a “need to know” or “right to know” basis, “as determined by the commission.” See generally §§ 41-9-594 (authorizing the commission to establish rules concerning the dissemination of criminal justice information) & 41-9-620 et seq. (regarding the collection and dissemination of such information).
§ 41-10-399(b)	State Supercomputer Authority	<u>Data associated with supercomputer system.</u> “Data collected, stored, processed, or disseminated through utilization of the supercomputer system under the provisions of this article are not subject to the requirements of the public record laws of the State of Alabama, and are therefore not subject to public disclosure by the authority.”
§ 41-13-6	Unlimited	<u>Social Security numbers of individuals.</u> Subject to certain exceptions, no state department, licensing or regulatory board, agency or commission may include an individual’s Social Security number on a document available for public inspection.
§ 41-14A-6(f)	Board of Directors of the Security for Alabama Funds Enhancement (SAFE) Program	<u>Financial institution reports to SAFE board.</u> “Any information contained in a report of a financial institution provided to the board . . . shall, if made confidential” under state or federal law, “and if the board is notified by the financial institution of such confidentiality, be considered confidential and exempt from the provisions of Section 36-12-40, and not subject to dissemination to anyone other than the board of directors and the State.”

ALA. CODE	PRIMARY AGENCY	RECORDS / INFORMATION PROTECTED
§§ 41-16-80 – 41-16-88	Unlimited; agency employees “in a position to influence the awarding of a grant or contract”	<u>Government grant and contracting information.</u> Section 41-16-80 declares that “information currently available to the public does not include the disclosure of all persons who for the purpose of financial gain submit a proposal, bid, contract, or grant proposal to the State.” However, §§ 41-16-81 through 41-16-88 detail a process by which parties submitting grant and contract proposals must file disclosure statements that are made publicly available. See § 41-16-85. The requirement does not apply for grants or contracts for less than \$5,000, or to losing bidders in a competitive bidding process. See § 41-16-82(b).
§ 41-22-12(g)(7) & (h)	Unlimited	<u>Record of private hearings or sealed proceedings.</u> Under the Alabama Administrative Procedure Act, the record of oral proceedings before an agency must “be made available for inspection by the public, except in those cases where private hearings are authorized by law, or where the proceedings shall be ordered sealed by order of court, or are required to be sealed by statute.”
§ 44-1-39(a)	State Dept. of Youth Services	<u>Information regarding youth receiving social services or care.</u> It is unlawful for any person to “solicit, disclose, receive or make us of, or authorize, knowingly permit, participate in or acquiesce in the use of any information concerning any youth for whom the department provides social services or care,” as well as related department documents.
§ 44-2-10, art. III.H&I	Interstate Comm’n for Juveniles	<u>Information disclosure of which would adversely affect privacy rights or proprietary interests.</u> The commission may “exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.” The commission may also vote to hold a closed meeting if the meeting otherwise would result in disclosure of information that should, for a variety of reasons, remain confidential.

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