170081

## *Chapter 33. Public Records; Fees*

NEW SECTION

883. Depository libraries for public documents and indexes
884. Transcripts required of all boards and commissions

### § 881. Examination of public records

**Public records defined**

(a) When used in this chapter "public records" includes all records and documents of or belonging to this Territory or any branch of government in such Territory or any department, board, council or committee of any branch of government.

**Citizens right to examine**

(b) Every citizen of this Territory shall have the right to examine all public records and to copy such records, and the news media may publish such records, unless some other provision of the Code expressly limits such right or requires such records to be kept secret or confidential. The right to copy records shall include the right to make photographs or photographic copies while the records are in the possession of the lawful custodian of the records. All rights under this section are in addition to the right to obtain certified copies of records under section 882 herein.

**Supervision**

(c) Such examination and copying shall be done under the supervision of the lawful custodian of the records or his authorized designee. The lawful custodian may adopt and enforce reasonable rules and regulations regarding such work and the protection of the records against damage or disorganization. The lawful custodian shall provide a suitable place for such work, but if it is impracticable to do such work in the office of the lawful custodian, the person desiring to examine or copy shall pay any necessary expenses of providing a place for such work. All expenses of such work shall be paid by the person desiring to examine or copy. The lawful custodian may charge a reasonable fee for the services of the lawful custodian or his authorized deputy in supervising the records during such work.

**Hours when available**

(d) The rights of citizens under this chapter may be exercised at any time during the customary office hours of the lawful custodian of the records. However, if the lawful custodian does not have customary office hours of at least thirty hours per week, such right may be exercised at any time from nine o'clock a.m. to noon and from one o'clock p.m. to four o'clock p.m., Monday through Friday, excluding legal holidays, unless the citizen exercising such right and the lawful custodian agree on a different time.

**Enforcement of rights**

(e) The provisions of this chapter and all rights of citizens under this chapter may be enforced by mandamus or injunction whether or not any other remedy is also available.

**Penalty**

(f) It shall be unlawful for any person to deny or refuse any citizen of this Territory any right under this chapter, or to cause any such right to be denied or refused. Any person knowingly violating or attempting to violate any provision of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one hundred dollars.

**Confidential records**

(g) The following public records shall be kept confidential, unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release information:

1. Personal information in records, regarding a student, prospective student, or former students of a public or nonpublic school or educational institution maintaining such records.
2. Hospital records and medical records of the condition, diagnosis, care or treatment of a patient or former patient, including outpatients.
3. Trade secrets which are recognized and protected as such by law.
4. Records which represent and constitute the work product of an attorney, which are related to litigation or claim made by or against a public body.
5. Peace officers investigative reports, except where disclosure is authorized elsewhere in this Code.
6. Reports to governmental agencies which, if released, would give advantage to competitors and serve no public purpose.
7. Appraisals or appraisal information concerning the purchase of real or personal property for public purposes, prior to public announcement of a project.
8. Information regarding negotiations with a prospective beneficiary for investment incentive benefits.
9. Criminal identification files of the U.S. Virgin Islands Police Department (V.I.P.D.). However, records of current and prior arrests shall be public records.
10. Personal information in confidential personnel records of the Division of Personnel or other department or agency where same may be kept.
11. Information concerning elderly and disabled adult abuse maintained under Title 34, chapter 15, VIC.

**Injunction to restrain examination**

(h) In accordance with the rules of civil procedure the district court may grant an injunction restraining the examination (including copying) of a specific public record, if the petition supported by affidavit shows and if the court finds that such examination would clearly not be in the public interest and would substantially and irreparably injure any person or persons. The district court shall take into account the policy of this chapter that free and open examination of public records is generally in the public interest, even though such examination may cause inconvenience or embarrassment to public officials or others. Such injunction shall be subject to the rules of civil procedure except that the court in its discretion may waive bond. Reasonable delay by any person in permitting the examination of a record in order to seek an injunction under this section is not a violation of this chapter, if such person believes in good faith that he is entitled to an injunction restraining the examination of such record.—Amended Dec. 6, 1972, No. 3346, Sess. L. 1972, p. 520; June 15, 1984, No. 4964, § 1(b), Sess. L. 1984, p. 177; Sept. 25, 1984, No. 4990, § 9, Sess. L. 1984, p. 249; Dec. 19, 1984, No. 5032, § 6, Sess. L. 1984, p. 414; March 18, 1988, No. 5330, § 2, Sess. L. 1988, p. 114.