SUMMARY: Compliance with the Public Records Act has become increasingly complex as a result of new technology and the increased use of social media. More complexity arises from the regulatory requirements for the creation of data to demonstrate permit or program compliance. Sanctions from the courts arise from failure to properly preserve public records under the Rules of Evidence, and litigation holds create even more challenges for practitioners. The Administrative Law and Government & Public Sector Sections have combined to examine the challenge of avoiding being lost in the whiteout that comes from too much public information to manage.
## The Public Records Act and New Technology: How to Prevent a Whiteout

Joint Program of the Administrative Law and Government & Public Sector Sections and 2017 Government & Public Sector Section Annual Meeting

#599GAP and #599LWC | January 19, 2017

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Program Agenda

Thursday, January 19, 2017, 8:00a–4:15p

8:00a  Registration

8:40  Welcome and Introductions

8:45  North Carolina Public Records and Open Meetings Law 101
     Frayda H. Bluestein
     In addition to the usual look at the Public Records and Open Meetings laws, this session examines other laws impacting the redaction and confidentiality requirements that apply to public records (e.g. HIPAA, NCGS §113.20(b)) as well as government records that are not public as a matter of state law.

10:15  Break

10:30  Navigating Public Record Minefields within the RRPCs*
       Matthew A. Cordell, Norma R. Houston and Mary Penny Kelley
       The Public Records and Open Meetings laws create particular challenges for preserving confidentiality of communications and records during litigation. This presentation includes attorneys who have experienced the tensions with the Revised Rules of Professional Conduct and the duty of attorneys to preserve records, be candid with others in litigation, or as otherwise required by federal or state law with regard to data breaches and to protect the attorney-client privilege.

12:00p  Government and Public Sector Section Annual Meeting
       John P. Schifano, Town of Holly Springs, Holly Springs, 2016-2017 Section Chair, Presiding

12:15  Networking Lunch (included at Live program only)

1:00  It Is Not Just Paper Anymore: Electronic Records and Retention Requirements
       John T. McHugh, J. Brandon Poole and Shannon H. Tufts
       The impact of social media, email, mobile devices and cloud computing on the capacity of government agencies to comply with the Public Records Act is growing at least as fast as new technology appears. Record retrieval and retention methods are examined in this session along with the basics of the new media for records storage and access.

2:30  Break

2:45  The Responsive Public Servant: Acceptable Responses to Increasingly Complex Requests
       Powell Baggett, Drew Hargrove and S. Mujeeb Shah-Khan
       The increasing demands for access to public records—and for immediate access—have required innovation on how to respond responsibly and promptly. This session examines the various means used by government agencies to achieve these goals within the law. Redaction of confidential information under other state laws is a particular challenge. New state policies have emerged regarding the access and costs of document reproduction. This session wraps up the day with practical tips on how to provide access effectively, but lawfully.

4:15  Adjourn

* Indicates portion providing Ethics/Professional Responsibility credit
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Program Information

Planners
- Daniel F. McLawhorn, Raleigh City Attorney’s Office, Raleigh
- Ann B. Wall, North Carolina Department of the Secretary of State, Raleigh

Speakers
- Powell K. Baggett, Office of General Counsel, North Carolina Department of Environmental Quality, Raleigh
- Fraya H. Bluestein, School of Government, University of North Carolina at Chapel Hill, Chapel Hill
- Matthew A. Cordell, Ward & Smith PA, Raleigh
- Andrew D. Hargrove, Office of General Counsel, North Carolina Department of Environmental Quality, Raleigh
- Norma R. Houston, School of Government, University of North Carolina at Chapel Hill, Chapel Hill
- John T. McHugh, Citrix, Raleigh
- J. Brandon Poole, Raleigh City Attorney’s Office, Raleigh
- S. Mujeeb Shah-Khan, Monroe City Attorney, Monroe
- Robin W. Smith, Robin Smith Law Office PLLC, Chapel Hill
- Shannon H. Tufts, School of Government, University of North Carolina at Chapel Hill, Chapel Hill

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- Embassy Suites, 201 Harrison Oaks Boulevard, Cary
  Rate: $169 Single/Double. Rate includes a full cooked-to-order breakfast and the manager’s evening reception.
  Reservations: 919.677.1840 | Reference Corporate ID: NCB or NC Bar Rate

- TownePlace Suites by Marriott, 120 Sage Commons Way, Cary
  Rate: $114 studio queen with sleeper sofa (Sunday–Thursday). Rate includes a complimentary hot breakfast. All rooms come with a fully equipped kitchen.
  Reservations: 919.678.0005 | Ask for the NC Bar Association corporate rate.

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LIVE • LIVE WEBCAST
Thursday, January 19, 2017
NC Bar Center, Cary

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UPDATES & REGISTRATION
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