

Distribution of Extension Lists

NDSU Extension is considered a “public entity” subject to North Dakota’s Open Records and Open Meetings laws. The Open Records law applies to many records, including lists of participants often used by NDSU Extension offices to conduct business. If you are asked to provide a list to someone, please use this document as a guide or contact your District Director if you have questions.

NDSU Extension lists *may* have to be made available when requested unless they are classified as exempt or confidential. If you get a request for a list, it is suggested that you contact your district director, who will work with the NDSU General Counsel to determine if this list must be provided. If it is determined that the list must be provided based on open records law, the General Counsel will help define which items can be redacted or edited from the list (including addresses, phone numbers and e-mails) before distributing.

Access to lists is usually free, but a reasonable charge for the actual costs for mailing and making copies, including labor, materials and postage, can be assessed. Costs for locating the records can also be assessed if it takes longer than one hour.

Records (including lists) are categorized in one of three ways in North Dakota’s Open Records Laws:

- Open – they **MUST** be released.
- Exempt – they **MAY** be withheld at the discretion of the public entity.
- Confidential – they **MUST NOT** be released.

Examples of records Open to the Public

- Minutes of open meetings.
- Personnel records related to job performance or salary.
- Financial, telephone and travel records of a public entity.

Examples of records Exempt from the public (may be withheld at the discretion of the public entity)

- Personal information (address, home/cell phone number, employee ID number, driver’s license number, date of birth, dependent information and emergency contact) of public employees. NDCC 44-04-18-1(2).

Examples of Confidential Records Not Open to the Public

- Any record that is a compilation of minor’s names, addresses, phone numbers, or any combination of that information. NDCC 44-04-18.13. ***This includes any list with minor 4-H members or participants.***
- Personal information regarding a licensee maintained by an occupational or professional board, association, state agency, or law-created commission is exempt. As used in this section, “licensee” means an individual who has applied for, holds, or has previously held an occupational or professional license, certificate, credential, permit, or registration issued by a

state occupational or professional board, association, agency or commission. NDCC 44-04-18.1(4). ***This includes pesticide certification lists*** as noted by a letter dated June 17, 2004, from Paul Germoulos, Assistant Attorney General, Office of the Attorney General of North Dakota.

Other things to consider:

- Please do not share NDSU Extension listserv lists – these are only set up for internal use. If someone asks for them, contact your supervisor.
- If the request is for a list generated from another entity, suggest the request be made to the original source of the list.
- In an attempt to keep e-mail addresses private when sending messages to a group, consider sending a message by using the BCC (blind courtesy copy) feature or the Undisclosed Recipients feature in Outlook. This will ensure that each recipient receives the e-mail but cannot see the e-mail addresses of others receiving the same e-mail.

For a summary of the North Dakota Attorney General's Open Meetings and Open Records Laws, please go to: [ND Open Records Summary](#)

The complete open records and open meetings manuals can also be found at the North Dakota Attorney General's website: [ND Open Records Manual](#)

Staff Guidelines for the Distribution of Mailing Lists

NDSU Extension is subject to North Dakota's Open Records and Open Meetings laws as a public entity. These laws apply to various records, including lists of participants that Extension offices use for business purposes. When asked to provide a mailing list, please follow this guide or consult your District Director if you have questions.

Access to Extension Mailing Lists

NDSU Extension lists may be subject to public disclosure unless they are exempt or confidential. If you receive a request for a list, it is advisable to contact your District Director, who will work with the NDSU General Counsel to determine whether the list must be released. If the list must be disclosed according to open records law, the General Counsel will assist in determining what information, such as addresses, phone numbers, and emails, may need to be redacted before distribution.

Costs for Accessing Records

Typically, records, including lists, are available free of charge. However, a reasonable fee may be assessed for the actual costs associated with copying, mailing, labor, materials, and postage. If it takes more than one hour to locate the records, additional charges for labor may apply.

Classification of Records Under Open Records Laws

Records in North Dakota are categorized into three types under the Open Records laws:

- **Open:** These must be released upon request.
- **Exempt:** These may be withheld at the discretion of the public entity.
- **Confidential:** These cannot be released under any circumstances.

Examples of Open Records

- Minutes of open meetings.
- Personnel records related to job performance or salary.
- Financial, telephone, and travel records of a public entity.

Examples of Exempt Records

The following records may be withheld at the discretion of the public entity:

- Personal information (e.g., address, phone number, employee ID, date of birth, emergency contacts) of public employees (NDCC 44-04-18-1(2)).

Examples of Confidential Records

The following records must not be released:

- Any list containing minors' personal information (e.g., names, addresses, phone numbers). This includes lists of minor 4-H members or participants (NDCC 44-04-18.13).
- Personal information regarding a licensee maintained by an occupational or professional board, association, state agency, or commission, such as pesticide certification lists (NDCC 44-04-18.1(4)).

Additional Considerations

- **Listserv Lists:** NDSU Extension listservs are for internal use only and should not be shared. If someone requests access, please direct them to the Director's office.
- **Lists from Other Entities:** If the list was generated by another entity, suggest that the requester contact the original source for access.
- **Protecting Privacy:** To protect email addresses when sending messages to a group, use the BCC (blind courtesy copy) feature or the "Undisclosed Recipients" feature in Outlook. This will ensure that recipients cannot see each other's email addresses.

Additional Resources

For a summary of North Dakota's Open Meetings and Open Records laws, visit: [ND Open Records Summary](#)

To view the complete Open Records and Open Meetings manuals, visit: [ND Open Records Manual](#)

If you have any questions or need clarification, please reach out to your District Director.