

**UNDER THE AUSPICES OF PRIVACY...OR NOT:  
SURVEYING THE STATE JUDICIAL TREATMENT OF  
ACCESS TO GOVERNMENT RECORDS**

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**ABSTRACT**

While privacy is paramount to a person's liberty interest, it is not absolute in all circumstances. Often, public interests trump an individual's right to privacy. Since the enactment of freedom of information statutes by every state, there is a strong presumption of government disclosure. Government agencies, for purposes of openness and accountability, are required by public records statutes to release various types of information. Some of the government records may contain identifying information, which if disclosed, would constitute an unwarranted invasion of personal privacy. Courts are often called upon to resolve the clash between protecting the privacy of individuals and promoting the public interest in disclosure.

This study, through an examination of case opinions issued by the supreme courts of the fifty states, aims to determine how state courts across the nation address the issue of personal privacy exemptions in public records disputes. This thesis intends to find out if state courts are following the federal categorical approach to the statutory exemptions. The purpose of this thesis is to draw inferences regarding an overall trend in the post-*Reporters Committee* state judicial treatment of privacy and information disclosure concerns and the states' attitudes toward access to personally-identifiable information in government-held records.