

**Office of the Attorney General**  
State of LOUISIANA

Opinion No. 91-48  
March 13, 1991

90-B-4--Public Meetings

The LOUISIANA Open Meeting Law does not require certain matters be considered only in executive session nor provide for sanctions for making public those matters discussed in executive session, unless the matters discussed were in violation of the law. Public disclosure of a person's private affairs discussed in executive session may be actionable as an invasion of that person's right to privacy. La.R.S. 42:6, La.R.S. 42:6.1, La.R.S. 42:11(C), La.R.S. 42:13, LA. Const. Art. 1, Sec. 5, LA. Const. Art. 12, Sec. 3, Trahan v. Larivee, 365 So.2d 294 (La.App. 3rd Cir.1978)

Dr. Raymond A. Hicks  
3334 Sun Valley  
Shreveport, LOUISIANA 71109

Dear Dr. Hicks:

You have asked for an opinion from this office as to what school board matters are required to be discussed only in executive session, and what sanctions can be imposed on a member of a school board who makes public the matters discussed in executive session.

The LOUISIANA Open Meeting Law (La.R.S. 42:4.1-42:13) does not require that certain matters be considered only in executive session nor does it permit such sessions being used as a subterfuge to defeat the law's stated policy of conducting public business in an open and public manner. La.R.S. 42:6 and 42:6.1 limit the holding of executive sessions to certain enumerated matters, and thus are exceptions to open meetings.

The Open Meeting Law does not directly address the question of sanctions for making public those matters discussed in executive session, unless the public disclosure of the matters discussed reveals a violation of the law. In that event, the member of the public body, who knowingly and willfully participated in such meeting, would be personally liable for a civil penalty not to exceed \$100.00 per violation of the law. La.R.S. 42:13. Reasonable attorney fees and costs of litigation shall also be awarded to the prevailing party who brings an action for civil penalties. La.R.S. 42:11(C).

As several of the exceptions to the Open Meeting Law involve matters which deal with an individual's private affairs, public disclosure of that information may be actionable as an invasion of the individual's right to

privacy. An individual's right to privacy guaranteed by LOUISIANA Constitution Article 1, Section 5 prevails over the public's "right to know" provided for by the Open Meeting Law and LOUISIANA Constitution Article 12, Section 3. Trahan vs. Larivee, 365 So.2d 294 (La.App. 3rd Cir.1978).

If we can be of any further assistance to you, or if the above does not adequately address the questions posed in your request, please do not hesitate to contact this office.

Very truly yours,

William J. Guste, Jr.  
Attorney General

By: Robert H. Carpenter, Jr.  
Assistant Attorney General  
La. Atty. Gen. Op. No. 91-48  
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