



CITY OF NEW ORLEANS  
LAW DEPARTMENT  
1300 PERDIDO STREET, SUITE 5E03  
NEW ORLEANS, LOUISIANA 70112  
TELEPHONE: (504) 658-9800  
TELECOPIER: (504) 658-9868

MITCHELL J. LANDRIEU  
MAYOR

RICHARD F. CORTIZAS  
CITY ATTORNEY

June 18, 2012

Mr. Robert Morris  
UptownMessenger.com

Via Electronic Mail  
rmorris@nolamessenger.com

Re: Public Records Law Request

Dear Mr. Morris:

Our office is in receipt of your Public Records Law request dated June 13, 2012 in which you requested the following:

The opportunity to inspect the contents of NOPD Officer Kevin Wheeler's personnel file and any other records relating to commendations or disciplinary actions that he has received.

Please be advised that the records requested are not subject to disclosure under the Public Records Law because such records are protected by the individual's constitutional right to privacy. See La. Const. art. XII, § 3 & art. I, § 5 ("Every person shall be secure in his person, property, communications, houses, papers, and effects against unreasonable searches, seizures, or invasions of privacy."). Indeed, public employees have an expectation of privacy in their personal information, and such expectation is reasonable. East Bank Consol. Special Serv. Fire Prot. Dist., 04-838, p. 7 (La. App. 5 Cir. 12/8/04); 892 So. 2d 666, 670 (holding that a public employee has an expectation of privacy in his complete personnel file and that this expectation is reasonable). See also City of Baton Rouge v. Capital City Press, L.L.C., 2007-1088, p. 6 (La. App. 1 Cir. 2/13/09); 7 So. 3d 21, 24. Accordingly, the records requested will not be made available for your review.

Sincerely,

A handwritten signature in cursive script, appearing to read "Anita B. Curran".

Anita B. Curran  
Assistant City Attorney