



MUNICIPALITY OF ANCHORAGE
Board of Ethics

May 18, 2023

**BOARD POLICIES ON CONFIDENTIALITY, REDACTION,
AND DISTRIBUTION OF BOARD REPORTS**

This policy memo outlines Board practices to protect confidentiality during proceedings and for redacting and distributing board reports as public records. The purpose of this memo is to maintain consistency, facilitate the public's access to public records, and promote the board's preventive instruction and advice to public servants — while also protecting the confidentiality rights of individuals who come before the board.

Applicability: Nothing in this policy memo constitutes a finding that information is exempt from disclosure pursuant to a request for public records. Any request for public records of the Board of Ethics will be processed separately from this policy memo. This policy memo is prospective. Pending cases will be handled consistent with past board practices. Nothing in this memo confers a right to any party. The board may deviate from the general practices outlined in this memo when doing so is consistent with the code and necessary for the board to carry out its duties.

I. Advisory Opinions

A request for an advisory opinion is confidential unless confidentiality is waived by the person requesting the opinion.¹ The requestor shall indicate on their request form whether they are waiving confidentiality. If the requestor waives confidentiality, any information the requestor provides to the board will be in open session, absent other reasons for an executive session.² The board will publish an unredacted opinion, which includes the requestor's name, on the municipal website. If the requestor does not waive confidentiality, the board will receive information in executive session.³ The board will publish a generic version of the opinion on the municipal website, with sufficient deletions to prevent disclosure of the requestor's identity. The board will normally redact the identity of any other witness who has requested anonymity, unless not redacting is necessary to enable the board to carry out its duties.

¹ AMC 1.15.150.D. One exception to this rule is in AMC 1.15.090, which states that a mayor's request for an advisory opinion on contemporaneous employment and the board's response to that request are public records.

² AMC 1.25.005 Definitions – *Executive Session*

³ AMC 4.05.100

II. Ethics Complaints for Potential Violation

a. Pre-decisional Phase

The fact that a complaint has been filed and the content of the complaint are confidential.⁴ If the board finds that confidentiality was breached by the complainant, the board may dismiss the complaint.⁵ If the board declines review of a complaint, it will publish a generic summary of the complaint on the municipal website with the complainant and the respondent's information redacted.

The board's review of a potential violation remains confidential, unless the respondent waives confidentiality.⁶ The board will provide the respondent a copy of the complaint and allow the respondent to appear and provide information to the board. The respondent will inform the board whether they waive confidentiality. If the respondent waives confidentiality, the respondent may present information to the board in open session, provided that the complainant's name should not normally be used in open session. The complainant, witnesses, and the respondent (when confidentiality is not waived) will normally provide information to the board in executive session. The respondent and/or counsel for the respondent may be present at any executive session in which the board receives evidence.

b. Distribution of Report as a Public Record

The board will distribute its completed report as a public record by publishing it on the municipal website and providing a copy to the complainant and the respondent. The board shall protect the confidentiality of the complainant or witnesses coming before the board by redacting their names from the report. The board will include the respondent's name in the report if the respondent has waived confidentiality or if the board finds that the respondent violated the code of ethics. Otherwise, the board will generally redact the respondent's name, unless not redacting is necessary to enable the board to carry out its duties. The board will consider the nature of the case, the respondent's position, public interest in the matter, or any other factors the board considers relevant in making that determination.

Staff duties: Relevant to this policy, records are to be genericized, redacted, and anonymized through the board's legal counsel and are to be published to the board's website through the Municipal Clerk's Office.

APPROVED by the Municipality of Anchorage Board of Ethics on May 18, 2023.

Rebecca Windt Pearson, Chair
Abram Goodstein
Terry Kelly
Kelly Moghadam
Patrick Teagarden

⁴ AMC 1.15.160.A.1.a

⁵ AMC 1.15.160.A.1.b

⁶ AMC 1.15.160.E