



**NCA 20-017**

**CLASSIFICATION: #37. TRIBAL GOVERNMENT**

**A LAW OF THE MUSCOGEE (CREEK) NATION CREATING A NEW CHAPTER 9, ENTITLED "FREEDOM OF INFORMATION ACT" IN MCNCA TITLE 37 "TRIBAL GOVERNMENT"**

**Be it enacted by the National Council of the Muscogee (Creek) Nation:**

**SECTION ONE. Findings.** The National Council finds that:

A. The Muscogee (Creek) Nation believes in the importance of having an informed citizenry and finds that it is vital that Muscogee (Creek) citizens be entitled to information pertaining to the affairs of its government.

B. In order to provide as much transparency as possible and honoring the rights of Muscogee (Creek) citizens to obtain information, there is a need to establish law regarding citizens' access to the Nation's public records in order to present guidelines governing the disclosure of governmental information.

**SECTION TWO. NEW LAW.** The following new law shall be codified in Title 37 of the Code of Laws of the Muscogee (Creek) Nation; provided that for purposes of codification of said new law and its inclusion in pocket parts for the Code of Laws of the Muscogee (Creek) Nation, the Attorney General is hereby authorized: (1) to approve any changes related to the manner in which sections, articles, chapters and sub-chapters are designated in this law in order to be consistent with the format in the Code of Laws published in 2010 by West Publishing Company; (2) to include footnoted references to the legislative history in said pocket parts to the Code of Laws; and (3) to note in said pocket parts any editorial correction of minor clerical or grammatical errors in the following new law:

## **TITLE 37. TRIBAL GOVERNMENT**

### **CHAPTER 9. FREEDOM OF INFORMATION ACT**

#### **§ 9-101. Short title and codification**

This Act shall be known and may be cited as the Muscogee (Creek) Nation Freedom of Information Act ("FOIA") and shall be codified as Chapter 9 in Title 37, "Tribal Government" of the Muscogee (Creek) Nation Code Annotated.

**§ 9-102. Purpose**

The purpose of the Chapter is to ensure equal access to public records by Muscogee (Creek) citizens.

**§ 9-103. Definitions**

A. "Business day" means regular working day of the Nation when the Nation's offices and departments are open for regular operating hours and does not include weekends or holidays recognized by the Nation.

B. "Citizen" means an enrolled member of the Muscogee (Creek) Nation that has obtained a Muscogee (Creek) Nation citizenship card.

C. "Confidential" means information or documents that may be subject to an evidentiary privilege or whose unauthorized disclosure is prejudicial to the interest of the Nation or of a personal nature.

D. "Court" means the District Trial Court of the Muscogee (Creek) Nation.

E. "Nation" means Muscogee (Creek) Nation.

F. "Non-citizen" means any non-Native American or non-Muscogee (Creek) Nation citizen.

G. "Protected records" means any record or part of any record containing data that is confidential and/or proprietary or otherwise protected by this Act.

H. "Public body" means any administrative, advisory, executive, judicial or legislative office or body of the Muscogee (Creek) Nation, including without limitation, all agencies, independent agencies, boards, chartered communities, commissions, committees, special or advisory committees, corporations, departments, divisions, enterprises, entities and organizations.

I. "Public employee" means all officials and employees of the Muscogee (Creek) Nation public bodies.

J. "Public record" means any record that is not confidential, proprietary or otherwise protected and that is not exempt from disclosure as provided in this Act.

K. "Record" means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by public body. "Record"

includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), computer printouts and optical discs. "Record" does not include medical records, hospital medical staff reports, law enforcement investigative files and names of confidential informants, scholastic records and adoption records; drafts; materials which are purely personal property of public employees and have no relation to his or her office; computer programs that are developed or purchased by or for any public body for its own use; notes or internal memoranda prepared as part of the deliberative process by a member of the judiciary or any other body charged with quasi-judicial function; inter-office and intra-office electronic mail; text messages by mobile telecommunication devices; inter-branch document requests and responses; all mail and all electronic mail addresses used in surveys of members of the Muscogee (Creek) Nation; any materials to which access is limited by copyright, patent, contractual agreement or bequest; books and other materials that are catalogued, indexed or inventoried and contained in the collections of libraries open to the public; and published materials in the position of a public body other than a public library which are available for sale or which are available for inspection at a public library.

#### **§ 9-104. Establishment of FOIA**

It is the official policy of the Muscogee (Creek) Nation that all citizens shall have access to the public records of the Nation's departments and programs and other records, including, but not limited to, resolutions, ordinances, minutes, all transactions involving loans, description of tribal lands, the leasing and exchanging of tribal lands and records regarding any tribal contractor.

#### **§ 9-105. Access to Public Records**

A. Unless a public record is exempt from disclosure under § 9-107. of this chapter, a citizen or public employee has a right to inspect, copy or receive copies of a public record of a public body.

B. Non-citizens, excluding public employees, shall not have access to public records except upon written permission of the Office of the Attorney General.

#### **§ 9-106. Public Records**

A. The following records are public except to the extent that they contain information expressly permitted to be treated as protected as provided for in § 9-107.

1. Job titles, job descriptions and business addresses and telephone numbers;
2. Administrative staff manuals and statements of policy and procedure that affect a member of the public;
3. Laws;

4. Bylaws and charters of any public body;
5. Final opinions, including concurring and dissenting opinions, and orders that are made by a government body in an administrative, adjudicative or judicial proceeding except that if the proceedings were properly closed to the public, the opinion may be withheld to the extent that they contain information that is protected;
6. Final interpretations of statutes or rules by a public body;
7. Written planning policies and goals and final planning decisions;
8. Information in or taken from any account, voucher or contract dealing with the receipt or expenditure of public or other funds by public bodies;
9. Minutes of proceedings of public bodies and the votes in the proceedings, excluding executive sessions;
10. All audio recordings of public meetings or public portions of meetings;
11. Reports which disclose the nature, substance and location of any emergency or crime or alleged crime reported to a law enforcement or public safety agency; provided however, that where a report contains information that is not a public record or is exempt from disclosure, the law enforcement or public agency may delete that information from the report;
12. Judicial records unless the Court orders the record to be restricted or unless the records are protected by this chapter;
13. Arrest warrants after issuance, except that, for good cause, a court may order restricted access to arrest warrants prior to service;
14. Search warrants after execution and filing of the return, except that, for good cause, a court may order restricted access to search warrants prior to trial;
15. Correspondence by and with a public body in which the public body determines or states an opinion upon the rights of the Nation, the public or any person except that which constitutes an attorney-client privilege with a public body;
16. Records filed with or maintained by public bodies that evidence incorporations, corporation or business entity names or name changes and uniform commercial code filings;
17. Documentation of the compensation that a nonbusiness public body pays or has paid to a contractor or private provider;
18. Information received in response to an invitation for bids or request for proposals after a contract is awarded if the contract is a nonconstruction contract, except that proprietary information may be redacted;
19. Information received in response to an invitation for bids or request for proposals after bids have been opened and before a contract is completed if the contract is a construction contract, except that proprietary information may be redacted;

20. Records documenting a contractor's or private provider's compliance with the terms of a construction contract or original bid requirements of a construction contract with the public body;
21. Records documenting a contractor's or provider's compliance with the terms of a nonconstruction contract or original bid requirements of a nonconstruction contract with the public body except:
  - a. Confidential and/or proprietary information in attorney contracts or billing statements;
  - b. Professional service contracts where descriptions of service contain confidential information, then only the general terms of the contract are public and the protected sections must be segregated;
22. Contracts, excluding personal addresses, social security numbers and employer identification numbers, entered into by a nonbusiness public body subject to the provisions of this section;
23. Any voucher, contract or account information, except account numbers, that deal with the receipt or expenditure of funds by a nonbusiness public body;
24. Data on an individual that would otherwise be protected under this chapter if the individual who is the subject of the record has been given the public body signed and notarized written permission to make the records available to the public; and
25. Final audits of a public body.

**§ 9-107. Protected Records**

- A. A public body may exempt from disclosure the following information:
  1. Records dealing with internal matters of a relatively trivial nature for which there is no legitimate public interest or benefit. This exemption is applicable when it would impose an administrative burden on the public body to process the request; Examples may include:
    - a. Leave slips, time records and attendance sheets;
    - b. Messages on voice mail or other telephone message storage and retrieval systems;
    - c. Electronic (email) messages; and
    - d. Calendars and schedules;
  2. Information or records specifically protected from disclosure by the Nation's law or applicable federal law including common law privileges of confidentiality. This includes but is not limited to records protected by the Health Insurance Portability and Accountability Act ("HIPPA"), the

- HIPPA Security Rule, provisions in MCNCA Title 6. Children and Family Relations, Title 7. Citizenship, Title 16. Executive Branch, Title 18. Education, Title 20. Elderly Services, Title 21. Gaming, Title 22. Health and Safety, Title 26. Judicial Branch/Courts, Title 27. Judicial Procedures and Title 31. Tribal Officers and others;
3. Information of a personal nature, including without limitation marital status, payroll deductions, performance evaluations or personal status information, such as race, religion or disabilities, enrollment number, social security number, personal address, personal telephone number and employment, education, housing assistance, Human Services programs and medical records if disclosure of the information would constitute an unwarranted invasion of an individual's privacy. However, all citizens and public employees shall have access to their personnel records maintained by the Nation or department or program thereof upon written request;
  4. Items which the Cultural Center Archives and Historic and Cultural Preservation Departments and Council House determine are too fragile to be handled or copied;
  5. Information that would reveal the location of archeological or culturally significant sites;
  6. Records of a public body's security measures, including security plans, security codes and combinations, passwords, passes, keys and security procedures, to the extent that the records relate to the ongoing security of a public body;
  7. Computer software or other documents subject to copyright protection;
  8. Confidential and proprietary information collected by a public body in the performance of its investigative or regulatory functions;
  9. Trade secrets, which are defined as unpatented, secret, commercially valuable plans, appliances, formulas or processes, which are used for the making, preparing, compounding, treating or processing of articles or materials which are trade commodities which are generally recognized as confidential, and work products, in whole or in part collected or produced for sale or resale, and paid subscriber information. Trade secrets also include, for those public bodies who market services or products in competition with others, feasibility, planning and marketing studies and evaluation and other materials which contain references to potential customers, competitive information or evaluation;
  10. Proposals and bids for any contract or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contract or agreement with the Nation, until an award or final selection is made and after deletion of portions which are exempt from disclosure under this

- act. Information prepared by or for the public body in preparation of a bid solicitation shall be exempt until an award or final selection is made;
11. A record of a public body or its fiduciary agents that discloses deliberations about, or a tentative or final decision on, investments or other financial matters is exempt from the disclosure requirements of this section, to the extent and so long as disclosure would jeopardize the ability to implement an investment or financial decision, or to execute the program or plan to achieve investment, financial, plan or program objectives;
  12. Memoranda, correspondence, documents and working papers relative to efforts or activities of a public body to attract business or industry to invest within the Nation;
  13. Records of a public body's audit agency regarding an ongoing or planned audit until the final audit is released;
  14. Documents of, and documents incidental to, a proposed RFP, bid, contractual arrangement or proposed sale or purchase of real property; however:
    - a. These documents are not exempt from disclosure once a contract is entered into or the property is sold or purchased except as otherwise provided in this section;
    - b. A contract for the sale or purchase of real property shall remain exempt from disclosure until the deed is executed, but this exemption applies only to those contracts for sale or purchase where the execution of the deed occurs within twenty-four (24) months from the date of the sale or purchase;
    - c. Confidential proprietary information provided to a public body for economic development or contract negotiation purposes is not required to be disclosed;
  15. Information that is part of negotiations in a proposed land purchase by the Nation until that land purchase is completed;
  16. Contracts or other agreements which specifically prohibit disclosure of the content of the agreement to third parties;
  17. Records to which access is restricted pursuant to court rule or as a condition of participation in a state or federal program or for receiving state or federal funds;
  18. Records from a public body's executive session or other non-public meeting;
  19. Inter-office communications relating to proposals or matters which have not been introduced for consideration in a public meeting. This includes:

- a. Inter-office memorandums, personal notes, drafts, communications with staff and other records which relate to ongoing matters or works in progress currently being performed;
  - b. Records relating to the subject of an ongoing investigation; or
  - c. Records relating to proposals which did not result in legislation;
20. The identity, information tending to reveal the identity, of any individual who in good faith makes a complaint or otherwise discloses information, which alleges a violation or potential violation of law or regulation by a public body; provided, however, that if the complaint or information is used in a prosecution in a judicial or quasi-judicial proceeding, this subsection shall not preclude the defendant's due process rights to confront and examine the complainant and witnesses;
21. Investigating records compiled for law enforcement purposes, but only to the extent that disclosure as a public record would do any of the following:
- a. Interfere with law enforcement proceedings;
  - b. Deprive a person on the right to a fair trial or impartial administrative adjudication;
  - c. Constitute an unwarranted invasion of personal privacy;
  - d. Disclose the identity of a confidential source, or if the record is compiled by a law enforcement agency in the course of a criminal investigation, disclose confidential information furnished only by a confidential source;
  - e. Disclose law enforcement investigative techniques or procedures; or
  - f. Endanger the life or physical safety of law enforcement personnel;
22. Privileged attorney-client information or attorney work product. This privilege may be waived by the client who created the attorney-client relationship, and if a waiver of the privilege is made, the records shall be made public;
23. Records that would be within the scope of a privilege against discovery or use as evidence recognized by the Nation's Court in civil, criminal and family trials if the records or inspection thereof were sought in the course of a court proceeding;
24. Drafts or prior versions of a final record. Only public records in their final form are available for disclosure under the provisions of this chapter;
25. Information and records that disclose an account number used for payment or collection of money;
26. Tax information of a public body except as determined by the Attorney General;



27. Information relative to the identity of the maker of a gift to a public body if the maker specifies that his or her making of the gift must be anonymous and this his or her identity must not be revealed as a condition of making the gift. With respect to the gifts, only information which identifies the maker may be exempt from disclosure;
28. All salary compensation paid by public bodies to individuals by authorized positions as classified by the Nation's laws or Executive or Legislative Human Resources or Personnel Policies and Procedures. The Annual Budget shall contain such position listings without the names of the individual holding such positions;
29. Financial records of the Nation's casinos;
30. Information that the Attorney General is prohibited from disclosing: A) because of a duty to the client under the Nation's Rules of Evidence or the Nation's Rules of Professional Conduct for Attorneys; or B) by a court order that prohibits the disclosure of the information;
31. Unpublished memoranda, working papers and correspondence of the Principal Chief, members of the National Council, District Court and Supreme Court Justices and the Attorney General; and
32. If any public record contains material which is not exempt under this section, the public body shall separate or redact the exempt and nonexempt material and make the nonexempt material available in accordance with the requirements of this chapter.

**§ 9-108. Procedures for requesting public records**

- A. Citizens requesting public records from a public body shall either:
  1. Provide a written request, which must include the date, name, address, telephone number and signature of requesting citizen, and copy of citizenship card; or
  2. Complete form provided by public body with all required information and submit a copy of citizenship card.
- B. A request may be made by facsimile, email or other electronic transmission and a response may be made through the same electronic medium.
- C. The costs assessed on records after the first twenty-five (25) pages for a hard copy and after the first one hundred (100) pages for an electronic copy shall not exceed twenty-five cents (\$.25) per page of the record, provided the copies requested do not exceed standard legal size or require special equipment to scan or copy. A reasonable charge for oversize copies may be assessed. However, members of the National Council shall receive copies of records or documents at no charge from public bodies when their requests pertain to their legislative duties.

1. Records shall be furnished at the lowest possible cost to the person requesting the records while ensuring that the requestor pays for the searching and copying of the record and to not have the public body bear the cost of searching and copying.
2. When appropriate, records may be furnished without charge or at a reduced charge if the public body determines the waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.
3. Fees may not be charged for examination and review to determine if the documents are subject to disclosure.
4. Nothing in this sub-section prevents a public body from charging a reasonable hourly rate for making records available to the public or from requiring a reasonable deposit of these costs before searching for or making copies of the records.

D. Upon the receipt of a written request for access to records, the public body shall immediately provide a copy of the request to the Office of the Attorney General for informational purposes; and respond to the request within twenty (20) business days by doing the following:

1. Granting the request in accordance with that public body's policies and procedures;
2. Issuing a written notice denying the request and listing the specific reason(s) for the denial and a statement that the requester has the right to file a petition in the Nation's Court for an order releasing the record within ninety (90) days from the date of the request denial;
3. Granting the request for access in part and issuing a written notice denying request in part and listing specific reason(s) for the partial denial, including any decision to redact portions of the record sought and a statement that the requester has the right to file a petition in the Court for an order releasing the record within ninety (90) days from the date of the request denial;
4. Notifying the requester in writing that it does not maintain the record and providing, if known, the name and address of the public body that maintains the record;
5. Issuing a notice extending, for not more than twenty (20) business days, the period during which the public body shall respond to the request. The public body shall not issue more than one extension per request;
6. Returning the written request due to request being incomplete, along with a letter of explanation regarding what information is incomplete and what information is required to process the request; or
7. Failure to timely respond with one of the responses under this subsection shall be deemed to be a denial of the request.

E. A public body is not required to create a record in response to a request. However, upon request, a public body shall provide a record in a particular format if the public body is able to do so without unreasonably interfering with the public body's duties and responsibilities.

F. Nothing in this subsection requires a public body to fulfill a person's request if the request exceeds two prior requests for the same records from that person.

G. Each public body shall keep a copy of written request for public records on file for no less than one (1) year.

### **§ 9-109. Information Officer**

A. The Attorney General shall either employ or designate an employee within the Office of the Attorney General as an Information Officer who will be responsible for facilitating, gathering, tracking and responding to FOIA requests pursuant to the requirements herein. The Information Officer shall also serve as a liaison to citizens seeking information and all other related duties, as assigned.

B. No part of the section shall be construed such that the Information Officer is responsible for fulfilling FOIA requests, as each public body shall designate an employee or employees to fulfill said requests. It shall be incumbent upon the public body to which the request is addressed to fulfill the requirements of the request.

C. The Information Officer shall:

1. promulgate a standardized form for requesting public records, which shall be available in every public office of the Nation;
2. publish and disseminate, by any means, digital and printed materials in order to educate public bodies and the public about the FOIA and its compliance requirements; and
3. deliver monthly reports to the National Council regarding the number of FOIA requests and other statistical information.

### **§ 9-110. Denial of record request**

Any citizen receiving a notice of denial of a record request may challenge the denial by making a claim for record access in Court within ninety (90) days from the denial date.

### **§ 9-111. Claims in the Court**

A. The Claimant shall follow the Tribal Court Proceedings of the Court for filing a claim.

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B. The Court, upon de novo review and without a jury, shall determine whether a public record is exempt from disclosure. Only the Court has jurisdiction for such determination.

C. The Court, on its own motion, may view the public record in controversy in private before reaching decision.

D. If the Court determines that the decision to deny disclosure in whole or part was clearly erroneous, arbitrary or capricious, the Court shall order disclosure of the public record only to the extent the Court determines the public record to be not exempt.

E. An action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

F. A final decision of the District Court may be appealed to the Supreme Court of the Muscogee (Creek) Nation pursuant to MCNCA Title 27, § 3-101 et seq.

**§ 9-112. Civil Penalties**

A. A public employee who has lawful access to any protected record under this Act, who intentionally discloses or provides a copy of a protected record to any other person not entitled to lawful access is subject to civil penalties of not less than One Thousand Dollars (\$1,000.00) or more than Five Thousand Dollars (\$5,000.00).

B. A public employee who has lawful access to any public or protected record under this Act, who intentionally destroys a record or intentionally causes a record to be lost without authorization in accordance with the retention policy of the public body is subject to civil penalties of not less than One Thousand Dollars (\$1,000.00) or more than Five Thousand Dollars (\$5,000.00).

C. It is a defense to a civil action under subsection A. of this section that the public employee released protected information in the reasonable belief that the disclosure of the information was necessary to expose a violation of law involving government corruption, abuse of office or misappropriation of public funds or property.

D. A public employee who by false pretenses, bribery or theft gains access to or obtains a copy of any protected record to which he or she is not legally entitled to is subject to civil penalties of not less than One Thousand Dollars (\$1,000.00) or more than Five Thousand Dollars (\$5,000.00). No public employee or person shall be subject to civil penalties who received the record, information or copy after the fact and without prior knowledge or participation in the false pretenses, bribery or theft of the record.

E. Any public employee who intentionally refuses to release a record knowing its disclosure is required by final order of the Court, or if appealed by the order of the Nation's Supreme Court, is subject to civil penalties of not less than One Thousand Dollars (\$1,000.00) and not more than Five Thousand Dollars (\$5,000.00)

F. Any public employee who fails to comply with the provisions of § 9-108. D. of this chapter shall be subject to a fine up to Fifty Dollars (\$50.00) per business day after the response or document delivery is due, and ending the day of the document(s) or response is delivered. It is a defense to a civil action under this subsection that failure to comply with § 9-108.D. was a direct result of written communication from a person serving in, or representing a position of supervisory or administrative authority over the public employee.

G. Any elected or appointed official, or any exempt employee who orders or otherwise directs an employee of the Nation to violate the provisions of this Act shall be subject to a fine of up to One Hundred Dollars (\$100.00) per business day beginning the day after the response or document delivery is due, and ending the day the document(s) or response is delivered.

H. It is prohibited, as misuse of public funds, for any person, public employee, elected official or appointed official to use the Nation's resources to pay fines, attorney fees, costs or expenses awarded by the Court against the person in their individual capacity, an employee in their capacity or an official in their individual capacity pursuant to this Act.

### **§ 9-113. Disclosure of protected records**

- A. Upon request, protected records will be available for disclosure, as follows:
1. Information shall be available for criminal and civil law enforcement for prosecution purposes, internal audit and as a result of court order for Congressional subpoena;
  2. Information relating to an individual shall be available to the individual who is the subject of the record, or if the subject of the record is a minor, the information shall be available to the parent or legal guardian, or if the subject of the record is mentally incompetent, the information shall be available to the legal guardian subject to verification of any applicable court order;
  3. Individual records may be released to third parties with written prior consent, by means of a notarized release of the individual who is subject of the records, or his or her legal guardian if a minor or deemed mentally incompetent in a court of competent jurisdiction;

4. Individual records may be used for statistical and other purposes; provided that any information which could be used to identify specific individuals is removed or withheld;
5. Protected records may be disclosed to law enforcement agencies, an agency of the United States with authority over the subject matter, or if applicable, the State of Oklahoma or if authorized by agency rule, a regulatory agency of the Nation.

B. Before releasing a protected record, the public body shall obtain evidence of the requester's identity by government-issued photo identification.

C. Before releasing a protected record, the public body shall inform the requester that he or she is prohibited from disclosing or providing a copy of the protected record to any other person and shall obtain the requester's written acknowledgment of this prohibition.

#### **§ 9-114. Privacy of driver's license information**

A. A public body may not sell, provide or furnish to a member a person's height, weight, race, social security number, photograph or signature in any form that has been compiled for the purpose of issuing special identification cards or completing an application for specific program requirements.

B. A person's height, weight, race, photograph, signature and digitized image contained in an application request or special identification card are not public records.

C. Notwithstanding another provision of law, a private person or private entity may not use an electronically-stored version of a person's photograph, social security number, height, weight, race or signature for any purpose, when the electronically-stored information was obtained from a program application, special identification card or driver's license record.

#### **§ 9-115. Use of information for commercial solicitation prohibited**

A public record and any information in a public record may not be used for commercial solicitation except as approved by the National Council by Tribal Resolution. Any person or entity who used public records or information therein for commercial solicitation without the National Council's approval, and any person who assists such person knowing of their intent to use the record information for commercial, may be fined in an amount not to exceed Five Thousand Dollars (\$5,000.00) per violation provided, however, this provision must not be interpreted to restrict access by members to information contained in public records.

§ 9-115. Federal laws

Various administrative policies have adopted or may adopt the Federal laws regarding access to records and privacy. This Act applies to specifically identified tribal records. All federal records such as federal lease contracts and other federal records and files maintained by the Muscogee (Creek) Nation are subject to the applicable federal laws governing the access of federal records.

**§ 9-116. Record requests between public bodies**

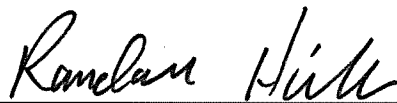
This Act shall not restrict or limit the exchange of the Nation's government documents by interbranch document request or department-to-department requests for information. Public record requests apply to requests made by the citizens as defined in this Act, but do not apply to the exchange of government documents between the public bodies.

**SECTION THREE. RETENTION POLICY.** In the event a public body does not have a retention policy, that public body shall establish a retention policy within ninety (90) days of enactment of this law.

**SECTION FOUR. EFFECTIVE DATE.** This Act shall become effective immediately upon proper approval and execution in accordance with the requirements of the Muscogee (Creek) Nation Constitution.

**ENACTED** by the Muscogee (Creek) National Council on this 23<sup>rd</sup> day of July, 2020.

**IN WITNESS WHEREOF**, the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.




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Randall Hicks, Speaker  
National Council  
Muscogee (Creek) Nation

**CERTIFICATION**

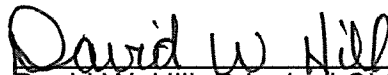
I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Sixteen members with **Sixteen** members attending this meeting on the **23<sup>rd</sup>** day of **July, 2020** and that the above is in conformity with the provisions therein adopted by a vote of **15** in favor, **0** against and that said Law has not been rescinded or amended in any way and the above is the signature of the Speaker of the National Council.



Kristie A. Jackson, Recording Secretary  
Muscogee (Creek) National Council

**APPROVAL**

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature on this **7<sup>th</sup>** day of **August**, **2020** to the above Law, **NCA 20-117** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



David W. Hill, Principal Chief  
Muscogee (Creek) Nation

