

**RESOURCES**

## **Applicants for Government Development Incentive Loans and Grants Beware: Privacy v. Public Information**

Many of us who follow the local newspapers are familiar with articles that make reference to news reporters and others submitting requests for public documents under Sunshine Laws or Freedom of Information Laws. Usually those requests are in connection with rather salacious stories being aired in the forum of public opinion.

As an attorney, I frequently have pause for concern related to my clients who wish to apply for incentive loans or grants that are intended to encourage development of real estate. Many developers are surprised to find out that the same policy that permits the people of North Carolina to find out details regarding the inner workings of our local government applies equally as well to business transactions between private citizens and our local government.

A quick review of the applicable public records statutes makes it apparent that most information provided to your local government is in fact just that—public information. While there is protection for information provided in connection with a yet to be disclosed development project, a yet to be identified location for a development project, and a narrow class of information related to trade secrets, for the most part information provided to your local government is not protected from review by the public in general.

So my advice to clients is be careful what information you share with public officials unless you are willing to see it reprinted in the newspaper.

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