



Administrative Regulation 7611

REQUESTS FOR PUBLIC RECORDS

Responsible Office: Office of the General Counsel

PURPOSE

The Superintendent has adopted this administrative regulation to establish the procedures for processing public records requests under the Nevada Public Records Act ("NPR") in the Washoe County School District ("District") in order to establish and maintain consistent protocols and to ensure transparency with the public related to governance and operations.

DEFINITIONS

1. "Public records" are any records prepared, used or maintained by the District in the course of performing District functions such as all documents, papers, letters, bound ledger volumes, maps, charts, blueprints, drawings, photographs, films, newspapers received pursuant to NRS 247.070, recorded media, financial statements, statistical tabulations and other documentary materials or information, regardless of physical form or characteristic. (NAC 239.101)
2. "Non-public records" are published materials printed by a governmental printer, worksheets, unused blank forms except ballots, brochures, newsletters, magazines, catalogs, price lists, drafts, convenience copies, ad hoc reports, reference materials not relating to a specific project and any other documentation that does not serve as the record of an official action of a local governmental entity. (NAC 239.051)
3. Confidential public records.
 - a. Confidential records are those declared by law in NRS 239.010(1);
 - b. Confidential records are those not specified to be confidential per NRS 239.010(1), but, per a "Balancing Test," where the District balances the interests and justifications of the agency, or the public in general, in maintaining the confidentiality of the document against the interest or need of the public to review the document;
 - c. Confidential records are those not specified to be confidential per NRS 239.010(1), but per the "Deliberative Process Privilege," where District decision-makers must engage in the frank exchange of opinions and recommendations necessary to the formulation of policy without being inhibited by fear of later public disclosure, the records that reflect the District's deliberative or decision-making process; and/or
 - d. Confidential employee records are those not specified in NRS 239.010(1), but the District, as a subdivision of the State of Nevada, adopts the provisions codified in Nevada state laws and regulations related to the

confidentiality of employee records, NRS Chs. 284 and 288 as well as NAC Chs. 284 and 288.

4. "Copy of a public record" includes all formats of the record provided in response to a request, whether provided in paper or electronic formats.

REGULATION

1. Records official.
 - a. For purposes of administration of this regulation, the Superintendent hereby appoints the Office of the General Counsel (OGC) as the appointed "records official."
 - b. The OGC shall comply with related Board Policies and District Regulations for fulfilling public record requests, and it may adopt procedures for efficient implementation of the Board Policy and this regulation as deemed necessary.
 - c. The District will post on its website the appropriate contact information to submit a public records request to the records official.
2. Form for Request.
 - a. The District's website provides public access to a large number of records and data. Before making a request, the public is asked to conduct a search of the District's website.
 - b. Requests for a public record of the District shall be made to the District's OGC.
 - c. The District adopts Administrative Form 7612 in order for a member of the public to make a public records request to the District.
 - d. The District will respond to verbal requests and requests not on Form 7612, but the request must identify the following:
 - i. Contact information - name, address, phone number, e-mail and/or fax number - of the person submitting the request;
 - ii. The date the request is submitted to the District;
 - iii. A description of the public record that is sufficient to identify the record;
 - iv. Type of access requested: inspect (view only), copy, or receive a copy of the public record;
 - v. In order to save taxpayer dollars, it is the preference of the District to provide all public records in an electronic format, if available. Paper copies of public records will be provided upon specific request.

- e. The Freedom of Information Act (FOIA) does not apply to the District. The District will treat a FOIA request as a request under the NPRA, NRS 239, NAC 239, and appropriate Board Policies and District Regulations.
3. Requests received.
- a. All requests for public records received by the District shall be forwarded to the OGC for processing.
 - b. Readily available records. The District will maintain frequently requested records in a readily available format.
 - c. Assisting the requester. If a request is voluminous, the records official will assist the requester in narrowing the request, but the records official shall not inquire into the purpose for the information. If the information request is not clear, the records official may ask for clarification of the request.
 - d. Locating records. The District will make a reasonable effort to search for and locate the requested records.
4. Responding to a request.
- a. Disclosure.
 - i. The District shall disclose public records and will not provide confidential public records.
 - 1. The District may not dictate the medium in which it will provide a copy of a public record.
 - 2. Requests Requiring Programming or Manipulation
 - a. The District shall provide the requester a written statement if the District determines that:
 - i. Responding to a request for information will require programming or data manipulation; and
 - ii. Compliance with the request is not feasible or will result in substantial interference with operations.
 - b. The written statement shall include a statement that the information is not available in the requested form and a description of the form.
 - ii. Inspection shall occur at a time mutually agreed upon by the requester and the District.

1. The District will have an employee observe the inspection or copying of records by the requester to the extent necessary to prevent the records from being stolen, altered, or destroyed.
 2. If redaction of all or part of the record is necessary to protect non-public information, a copy of the applicable record(s) will be made and the necessary redactions applied at which point the request may be subject to fees under NRS 239.052.
- iii. The District will hold copies of requested records for 30 days.
- b. Redaction.
- i. When a record contains confidential information, the District may redact, delete, conceal, or separate confidential information. The District shall provide a notice for the partial denial that contains:
 1. A description of the redacted information, and
 2. The legal citation for the basis of denying access to the information.
 - ii. In the event the information that remains after redaction would be of little or no value to the requester, the District may deny release of the record in whole.
- c. Denial.
- i. If a person requests to inspect, copy or receive a copy of a public record that does not exist, the District will deny the request.
 - ii. The District is not required to create a public record to satisfy the request.
 - iii. A request for general information, such as to answer a question, is not a public records request and is not subject to the NPRA. The District is under no obligation to conduct research, fill out checklists or forms, or answer questions.
 - iv. If a person requests to inspect, copy, or receive a copy of a non-existent, non-public record, or confidential public record, the District will deny the request and provide a notice that states:
 1. A general factual description of the record withheld, and
 2. A specific explanation for nondisclosure that includes legal citations and/or authority as applicable.

5. Fees.

- a. Upon the determination that the time required to process the request meets the threshold in Board Policy 7610, Public Records Requests, and a fee will be applied, the District shall provide written notice to the requester:
 - i. That the request has met the threshold justifying a fee to process the request;
 - ii. Of the fee to process the request which fee shall be based upon the actual cost incurred by the District to process the request and shall not exceed fifty cents (\$0.50) per page;
 1. If the number of pages of responsive records is initially unknown, as with emails, it shall be presumed for fee estimation purposes that each record (email) is a minimum of one page;
 - iii. Requiring a deposit of at least fifty percent (50%) of the total fee before processing the request and preparing the records for dissemination.
- b. The full fee shall be paid before dissemination of the records.

6. Request Deadlines.

- a. By the end of the fifth business day after a public records request is received by the District, the OGC shall respond in writing:
 - i. Disclosing the entire public record or a redacted version of the public record; or
 - ii. Providing notice that the District is not able to make the records available within five business days and providing the earliest date the District reasonably believes the record will be available, along with an explanation why the records are not currently available such as the request is voluminous, time consuming, or the records must come from an off-site area separate from the OGC; or
 - iii. Denying the request.

7. General Processing Guidelines.

- a. Requests shall be fulfilled as expeditiously as practicable.
- b. Upon receipt of a request for public records, the OGC shall request from the Office or Department within the District that maintains the requested record to provide all applicable records or provide a date when the applicable Department/Office will be able to make the record available for disclosure/inspection.

- c. Requests that may be filled in less than five business days shall be processed in the order in which received by the OGC.
 - d. The OGC shall make all reasonable efforts to fulfill a request that takes longer than five business days, but any request that takes longer than five business days to fulfill shall be done so as soon as reasonably possible and not in relationship of the receipt of other requests.
 - e. The OGC shall maintain a log of all public records requests received and processed, including if a fee was charged in accordance with state law (NRS 239.052), and an estimate of the collective amount of personnel time spent to process the request.
 - f. The District shall maintain public records in accordance with the Retention/Destruction schedules as established by the Nevada State Library and Archives Local Government Records Management Program.
8. Adoption.
- a. The District hereby adopts by reference the *Nevada Public Records Act: A Manual for State Agencies*, (Manual) 2019 edition, and any subsequent edition issued by the State Library, Archives and Public Records, as a guide for processing public records requests.
 - b. To the extent the Manual conflicts with Board Policy or District regulation, the Board Policy or District regulation supersedes the Manual.

LEGAL REQUIREMENTS & ASSOCIATED DOCUMENTS

1. This administrative regulation reflects the goals of the District's Strategic Plan and aligns/complies with the governing documents of the District, to include:
 - a. Board Policy 7610, Public Records Requests
 - b. Administrative Form 7612, Public Records Request Form
 - c. Administrative Regulation 7233, E-Discovery: Data Compliance, Search, and Investigation
 - d. Board Policy 5000, Student Records and Information, Administrative Regulation 5005, Student Educational Records, and any other associated regulations and procedures
 - e. Board Policy 4125, Employee Records and Information, and any associated regulations and procedures
2. This administrative regulation aligns with Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC), to include:
 - a. Chapter 239, Public Records

REVISION HISTORY

Date	Revision	Modification
4/19/2019	1.0	Adopted
5/16/2019	2.0	Revised to clarify available formats
5/28/2019	2.1	Revised to correct typo
11/18/2019	3.0	Revised to comply with SB287 of the 2019 Legislative Session; removed extraordinary use fee