



# STATE OF NEVADA CERTIFIED COURT REPORTERS BOARD

## Public Records Request Policy and Fee Structure

### **PURPOSE/MISSION/SCOPE**

To establish a process for responding to public records requests that are made to the State of Nevada Certified Court Reporters Board (Board).

### **RECORDS OFFICIAL**

Each agency must have a records official and will designate one or more employees of the agency to act as the records official for the agency. All records requests will be received by the records official to determine the timeline as well as the content of the response.

### **WHAT IS A PUBLIC RECORD?**

There is no Nevada statute that defines a public record. Generally, all books and records of a governmental entity are presumed to be public records and include information and other documents created or accumulated in the course of conducting public business that document the activities and business of public employees.

A public record is a “record”, not simply information. If a record does not already exist, there is generally no duty to create a record in response to a public records request.

A record is not available to the public if it is declared by law to be confidential. A record may also be confidential if it is privileged or if a common-law balancing of the interests of the tests shows that the public interest in disclosure is outweighed by other interests such as privacy, the ability of the agency to perform its function, or other substantial concerns. However, there is a strong presumption in favor of disclosure, so exemption, or balancing tests must be narrowly construed.

### **GENERAL POLICIES FOR PROCESSING PUBLIC RECORDS REQUESTS**

- a. All public records, unless declared by law to be confidential, must be open at all times during offices hours to inspection by any person and may be copied.
- b. Original public records must not be removed from the Board’s office during inspection by members of the public and must be monitored by an employee while any review is being conducted.

- c. Fees for inspection and copies of public records are outlined in the Fee Schedule for Requests for Public Records.
- d. If a record contains information deemed confidential, a request to inspect or copy the record cannot be denied if the confidential information can be redacted, deleted, concealed or separated from the record, so the remainder of the record can be inspected or copied.
- e. Electronic databases that contain the electronic mail addresses and/or telephone numbers of individuals that have provided the addresses or numbers for the purposes of or in the course of communicating with the Board's office are confidential and may not be disclosed in its entirety as a single unit unless in response to an order issued by a court. However, individual telephone numbers or electronic mail addresses of a person are not confidential and may be disclosed individually.
- f. Public records must be provided in any medium in which they are readily available, the custodian of the record shall not refuse to provide a copy of the record in a readily available medium because he/she has already prepared or would prefer to provide the copy in a different medium.
- g. Public Records Requests must be responded to no later than the end of the fifth business after the date on which the request is received by the office. The response may include an estimate of the time it will require to provide access or a copy.
- h. Public records requests may be written or verbal. However, requests involving an extraordinary use of personnel time, must be submitted in writing.
- i. Copyrighted materials may be duplicated – without risk of infringement – when reproduction is for the specific purpose of; “criticism, comment, news reporting, teaching, scholarship, or research”. When the custodian is aware that some other use is intended, consultation with the Deputy Attorney General assigned to the Board may be necessary to insure there is no infringement by reproduction or copyrighted material.
- j. The Public Records Request Form and accompanying documents and correspondence will be kept according to the appropriate state and records retention schedule and may be a public record.

## **PROCEDURES**

- a. All requests for public records will be forwarded to the records official to ensure the request is logged in the State of Nevada Certified Court Reporters Board's Records Request Log. The records official will acknowledge receipt of the request in writing. If the request is received by email, this acknowledgment also may be sent by email.
- b. The records official ensures that, within 5 business days from receipt of the request, one of the following will occur:
  - 1. The requestor inspects the record or receives copies of the record, as requested;

2. If the Board does not have legal custody of the record, written notice of that fact and the name and address of the governmental entity that as legal custody of the record, if known, is provided to the requestor;
  3. If the record has been destroyed pursuant to the Board's record retention schedule, written notice of that fact is provided to the requestor;
  4. If the Board is unable to provide the record by the end of the 5<sup>th</sup> business day after the request is received, written notice of that fact and a date and time after which the record will be available for the person to inspect or copy is provided to the requestor. If this is known at the time the acknowledgment is sent to the requestor, this information may be included with the acknowledgment sent by the records official; or
  5. If the request must be denied because the record is confidential, written notice of that fact and a citation to the specific statute or other legal authority that makes the record confidential is provided to the requestor.
- c. The requestor is to be advised, in advance, of the volume or list of records encompassing the request and the potential cost to provide the records if applicable. Copies of records shall be furnished upon payment of associated fees.
1. The requestor is to be advised that reproduced materials will be held for 30 days and subsequently destroyed if not claimed.
  2. If the cost of reproduction exceeds \$25.00, the requestor is to be advised that advance payment in full will be required to process the request(s).
- d. Extraordinary Requests
1. When the records official reviews a public record request, it may be determined that the request will require significant use of personnel or resources to produce and be designated as an Extraordinary Public Record Request.
  2. Such a request may apply to individual or multiple offices.
  3. Fees may be imposed in accordance with NRS 239.055.
  4. The requestor is to be advised if the cost of the request exceeds \$26.00 and that payment in full of the minimum estimated amount will be required to process the request.
  5. The amount deposited by the requestor shall include the estimated manpower costs to retrieve or reproduce the record(s) and the estimated material charges to retrieve or reproduce the record(s).
  6. Data requests for electronic databases, electronic records or services that are value-added products and beyond the normal scope of the office's workload will be provided as the appropriate resources are available to fulfill the request.
  7. The criteria above are guidelines which may be expanded depending upon the circumstances of the request.

## **FEE SCHEDULE FOR REQUESTS FOR PUBLIC RECORDS**

No fees will be charged until the total costs reach \$26.00. The first hour of staff time will not be charged. No cost will be assessed for inspection of existing records unless staff time to retrieve or otherwise process the records exceeds 1 hour.

If estimated staff time exceeds 1 hour, the requestor is responsible for the staff time incurred, which is due and payable before processing of the records will begin. Fees for staff time are in addition to fees for copying. Estimates of costs will be provided in advance if the costs are projected to exceed \$26.00.

Staff Time (for reviewing, redacting, copying or otherwise processing records requests) shall be billed as follows:

\$26.00 per hour, per staff member

Copying Fees:

B/W Copies (8.5" x 11")      \$.05 per page

Postage:

The requestor is responsible for estimated postage.

Payment:

Payment may only be made by check, money order or cashier's check and made out to NVCCRB. We do not accept cash or electronic payments.