

Nevada – State Public Record Laws

Citations	<p>Nevada Revised Statutes 239.001 et seq. http://www.leg.state.nv.us/nrs/nrs-239.html</p>
Exemptions to Disclosure	<p>There are more than 378 exemptions to the Nevada Open Records Act, scattered throughout various laws, and convoluted (statutes incorporating other statutes incorporating yet other statutes). In addition, the legislature apparently changes these exemptions each session. Therefore, if we have a public records issue in Nevada, I recommend that the research be done at the time. At the time of this writing, the following records are exempt:</p> <ul style="list-style-type: none"> • Certain confidential water and energy information: NRS §416.070; • Certain hazardous and radioactive waste information: NRS §459.050, §459.555; and • Trade secrets: NRS §586.410, §618.365
Access Rights	<ul style="list-style-type: none"> • Any person • At all times during office hours • Requestor entitled to the record in whatever medium they prefer that is a medium in which record is readily available (preference of custodian irrelevant) • Upon request, custodian must prepare copy (can't require requestor to prepare copy him/herself) • Privatization contracts are public records which must be open to inspection during regular business hours • Written or oral request • Response w/in 5 business days following date of receipt of request; if not correct custodian, provide notice and correct custodian in writing to requestor; a date of availability if not currently available; citation to specific legal authority as to why confidential if access denied • If record has been in custodian's legal custody or control for less than 30 years, requestor can apply upon denial of access to district court for order compelling agency compliance • Good faith disclosure or nondisclosure, custodian and employee immune from liability for damages to the requestor and/or person whom the info concerns • Custodian can remove records if feels necessary for protection (remove them to storage); if recorder receives request for item in storage, produce microfilmed copy w/in 3 working days • Fee cannot exceed actual cost; custodian must prepare and maintain list of all fees and post in conspicuous place at each of its offices, or instead of a list the location where such list may be obtained. Fee for copy cannot exceed 50 cents per page • In addition to as specifically provided, custodian can waive or reduce fees if it adopts a written policy stating such and posts the policy and terms for coverage by it in a conspicuous place at each of its offices. • Additional fee for extraordinary use of personnel or resources when required for reproduction, but must have requestor's request be in writing, and fee must be reasonable and based on cost actually incurred • Additional fee for info from GIS • Category C felony to steal, alter, or deface records or to remove, injure, or conceal them willfully and unlawfully

**Destruction of
Public Records**

- Unless schedule authorizing destruction w/o reproduction exists, ALL records must be reproduced in microfilm prior to destruction of original. Original records, by default, must always remain in existence at the least through microfilm form. [239.051]
- Committee to Approve Schedules for the Retention and Disposition of Official State Records shall review and approve/disapprove of the schedules developed by each agency
- Records transferred to State Library and Archives Administrator as obsolete become custody of Administrator, unless just submitted for safe storage (in which case constructive custody and right to control access still with submitting agency)
- Minimum periods of retention established by the Division
- State Library and Archives Administrator to establish minimum periods of retention for records of local government