



A NEVADAN'S GUIDE TO PUBLIC RECORDS REQUESTS

INTRODUCTION

Nevada has a dysfunctional government. But that dysfunction doesn't need to be a barrier to the average Joe (or Jane) looking to hold their elected officials accountable. You and your fellow citizens pay the salaries of the thousands upon thousands of state and local government employees working throughout the Battleborn State, and you and your fellow citizens deserve to know how your taxpayer dollars are being spent.



Whether you live in a small hamlet like Eureka, or a large urban area like Las Vegas, all Nevadan's young and old can have access to records produced by their government entities that their everyday life. The Nevada Public Records Act serves as a tool that all Nevadans can use to shape their state and local communities.

We are not lawyers, and this guide isn't intended as legal advice or a comprehensive analysis of the Nevada Public Records Act. However, this guide is a collection of our experience making public records requests and the Nevada Public Records Act. We hope it will help you in crafting requests, finding appropriate contacts, enforcing timelines, and dealing with obstacles.

Together, we can make a better Nevada!

MAKING A REQUEST

In Nevada, “Official state record” includes:

- (a) “Papers, unpublished books, maps and photographs;
- (b) Information stored on magnetic tape or computer, laser or optical disc;
- (c) Materials that are capable of being read by a machine, including, without limitation, microforms and audio and visual materials; and
- (d) Materials that are made or received by a state agency and preserved by that agency or its successor as evidence of the organization, operation, policy, or any other activity of that agency or because of the information contained in the material.”



When you have identified what you are looking for, and what agency will produce that record, your first step should be to search “[Name of agency] + public records portal” If this search does not take you directly to a portal, it may still result in the answer you need. Some offices that commonly handle public records are:

- Clerk's office
- Recorder's office
- Assessor (property records, tax rolls)
- Individual departments within a city or county
- Fire and Police departments
- Building and Safety
- Planning

Public agencies are required to help you find the appropriate agency to contact regarding your request. So, if you are unsure if you have the right agency and/or records, don't be afraid to speak up. These are ***your*** public servants after all!

THE RESPONSE



After the response has been made, an agency has **5 days** to respond to the request. However, this stipulation only requires an agency respond to a request, not that they produce the requested records.

In response, the agency in question is required to:

- Provide the status of the request
- Let you know if the records are public records in their possession
- Inform you of the date and time when the records will be made available.
- Provide hard copies if you are not able to access it electronically
- Allow you to view records in person during office hours
- Allow you to photograph or copy records if you don't come in contact with the original document

WHEN RECORDS “DON’T EXIST”

An agency may say a record does not exist based on what you described in the request. However, if you have reason to believe it does exist, be persistent and reiterate the agency’s obligation to assist you in obtaining the record. You can also suggest they provide alternative records to satisfy the request. For example, if you request payroll records with names (like we do at Transparent Nevada) and the agency responds that they do not maintain a file with both, they could provide the state-required controllers report and a separate file with names that correspond to that data.



ACCESS DENIED

Agencies can deny requests, but denials are regulated by law. For instance:

- You have the right to know the names and titles of each person responsible for the denial
- You can request an explanation for why the records are not subject to disclosure.
- You have the right to get a written explanation
- You can still get access to a record if only part of the record cannot be released (in this case the agency must redact the portion that can’t be released unless the redaction is so extensive there is not much in the way of a record left).
- A record cannot be denied to one person if already released by another

EXEMPTIONS

Denials are allowed under the use of exemptions. Generally speaking, the more personal the information that you are seeking, the more likely it is to be exempt. However, that is not always a barrier to getting requested information. Government salaries and emails are an example of “personal” items that could be released.

This guide is not going to provide every exemption available for agencies to use, but here are examples:

- Attorney-client discussions (agency can waive)
- Documents related to litigation while the case is active
- Preliminary drafts, notes and memos that are not normally retained
- Personnel, medical and similar files
- Home addresses attached to a variety of records, including DMV, voter registration, gun license, public housing, utility and public employee records and some crime victims
- Financial data submitted for licenses, permits, and other circumstances
- Law enforcement files. However, arrest records and basic facts are subject to the NPRA unless disclosure would endanger an investigation or investigator. See Gov. Code, [6254\(f\)](#) for more information.

Agencies may also invoke an exemption call the balancing test if they believe “the public interest served by not making the records public clearly outweighs the public interest served by disclosure”. However, agencies are limited when implementing this, and must provide an explanation of it’s use (not just a generic statement of it).

ENFORCEMENT

Enforcement is a weak point in the NPRA. However, you have the option to sue an agency if you believe or know records exist and an agency tells you otherwise. Overall, the best qualities to bring to the table when utilizing the NPRA is to be ***persistent and inquisitive***. If an agency does not respond in a timely manner, remind them of deadlines required by law. If told records don't exist, dig deeper to see what files were searched and remind them of their obligation to aid you in accessing records. If the agency cites exemptions, ask them to explain why it applies and if they will waive it. If all else fails, ask to appeal your case to a higher official.

