

Transparent Nevada

PUBLIC RECORDS REQUESTS VS FOIA

INTRODUCTION

When dealing with the world of public records, it can sometimes be a daunting amount of information and new vocabulary. It can be difficult to know what agencies to reach out to or what the correct terminology is. That question often stems from the two types of requests you can make: a public records request and FOIA records request. So, what are they and what separates the two or makes them similar?

Since the creation and publication of the Freedom of Information Act (FOIA) at the federal level, states have created their own definitions of what a FIOA request can include. In Nevada,

a FIOA request offers access to federal agency records which includes its own unique set of exemptions which prevent portions or entire categories of information from being publicly disclosed. A difference between these types of requests and the common public records request include the specific format and website where the majority of the requests should be processed. They're also often federally regulated by the DOJ, and not as much a tool for local agencies despite the ability to examine local ones.

In contrast to an FOIA record request, a public record request is both more commonly issued and includes broader fields of information. In Nevada, a public record is defined as either a written or verbal request of all documents, financials, books, and records of any level of the government-tied body. As a result of the Nevada Public Records Act (NPRA), all records previously mentioned are fair game unless declared confidential by law.

Both types of requests are important, but ultimately the nuances come in their formalities and who they can be requested from. Maintaining the public's usage of both types of requests is paramount to ensuring that government entities, both state and national, are kept in check.



THE PRIMARY DIFFERENCES

In Nevada, “official state records” include “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.”

	PUBLIC Records Requests	FOIA Requests
Federally Based		✓
State-Based	✓	
Time to Respond	5 Working Days	20 Working days
Can Charge You for Copy Costs		✓
Can Be Appealed after a Denial	✓	✓

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.



One of the most powerful tools you have in your arsenal is being informed. Make sure you work to distinguish between Public Records Requests and FOIA requests when seeking records so that you can show government bureaucrats that you know what you're talking about.