

NEVADA ADMINISTRATIVE OFFICE OF THE COURTS

POLICY ON PUBLIC ACCESS TO ADMINISTRATIVE RECORDS

I. SCOPE. This policy applies to public access to administrative records of the Nevada Administrative Office of the Courts (AOC) that are maintained by the AOC only. This policy does not apply to records of the Supreme Court, Court of Appeals, district courts, or limited jurisdiction courts.

II. DEFINITIONS

A. *Administrative Record.* Administrative record means any document, information, data, or other item created, collected, received or maintained by the AOC pertaining to the administration of the judicial branch and not associated with any case record.

B. *Case Record.* Case record means any document, information, data, or other item created, collected, received or maintained by any court in the State of Nevada in connection with a particular case.

C. *Records Official.* Records Official means the official charged with the responsibility of the care, keeping, and supervision of the records. All references to “records official” include the records official and/or the records official’s designee.

III. GENERAL ACCESS TO RECORDS OF THE AOC

A. Case records. Requests for case records or case-related information shall be submitted directly to the applicable court or courts and not to the AOC.

B. Administrative records. Administrative records of the AOC are open to the public except the following:

1. *Personnel, applicant, unpaid volunteer, and independent contractor records*¹.

a. Personnel and payroll records and records of employment investigations, background checks, and hearings are not subject to disclosure except for:

- 1). Name of individual;
- 2). Dates of employment;
- 3). Name of office or position to which the individual has been appointed;

¹ All records made available for inspection or copying pursuant to this policy are subject to the redaction of personal identifying information before any review may take place. For the purposes of this policy, personal identifying information shall have the meaning ascribed to in NRS 205.4617.

- 4). Position classification, pay grade, and gross salary;
 - 5). Basis for and amount of any added remuneration;
 - 6). Travel expenses as provided for pursuant existing Travel Policy; and
 - 7). Other expense reimbursements.
- b. Records on individuals collected because the individual is or was an applicant for employment.
 - c. Information about unpaid volunteers other than the names of such volunteers.
 - d. Information about independent contractors other than name, type of work performed and amount paid.
 - e. Information about medical enrollment, changes, Family Medical Leave Act, Workers' Compensation, and other medical related documentation and correspondence.
2. *Court interpreter information.* Records relating to individual court interpreters other than the name of the interpreters, their certification status, their language expertise, their self-provided contact information, and the areas of the State in which they are willing to work.
 3. *Testing records.* Test questions, scoring keys, other examination data, including testing results (unless the person tested has consented to the release) used in administering an examination given for employment, certification, or for inclusion on any roster.
 5. *Proprietary and licensed materials.* Any materials, including, but not limited to, computer programs and related records and proposals from and contracts with independent contractors, shall be disclosed only in accordance with the terms and conditions of the agreements or licenses.
 6. *Competitive bidding records.* Sealed bids, including the number of bids received prior to the opening of the bids at the time specified in the Supreme Court's bid request.
 7. *Trade secrets.* Trade secrets and commercial or financial information obtained from a person that is of a privileged or confidential nature.
 8. *Senior judge information.* Records relating to senior justices or judges other than the name and status of the justice of the judge and any court order assigning a senior judge to a case or department.
 9. *Informal/preliminary correspondence, internal deliberations, notes, memoranda, drafts or work product.* The following shall not be subject to disclosure:

- a. Any correspondence transmitted by whatever means, including electronic that is not a formal declaration of policy or procedures, or is not a formal record of a transaction or a receipt.
 - b. Records relating to internal deliberations on, or records relating to, cases before a court or pertaining to judicial administration matters.
 - c. Notes, outlines, and similar preliminary materials.
 - d. Preliminary and draft reports, documents, records, evaluations, investigations, audits, or compliance reviews; including materials prepared by a consultant.
 - e. The work product of any attorney employed by or representing the AOC which is created in the regular course of business or representation of the AOC.
10. *Records relating to litigation.* Records pertaining to settled, disposed, pending, or potential litigation which are not filed with a court as part of a case and publicly available through that court.
11. *Security records.* Records that would be likely to jeopardize or diminish the security of information, possessions, individuals, or property in the employment, possession, or custody of the courts against theft, tampering, improper use, illegal disclosure, trespass, or physical injury such as security plans or codes or individual records of telephone or cell phone calls. Examples of security records include, but are not limited to, employee key card holder information and building access data, vehicle license numbers, private emergency contact information, video surveillance recordings, and telephone logs. Security records include any calendar information, such as records of appointments or engagement, whose release may reasonably be judged to pose a risk to any individual or constitute an unwarranted invasion of privacy.
12. *Records otherwise made inaccessible.*
- a. Records that are made inaccessible to the public pursuant to state or federal statutes; state or federal case law; rule, directive, or order of the Nevada Supreme Court; or unit specific AOC policies.
 - b. Information presenting a risk to personal privacy and/or safety, or the fair, impartial, and orderly administration of justice as determined by the State Court Administrator.

IV. PROCEDURES FOR REQUESTING ACCESS

A. *In General.*

1. *To whom the request is made.* A request to inspect or obtain copies of records that are open to the public shall be made to the AOC in writing, utilizing a form approved by the Court Administrator, addressed as follows:

Records Official
Administrative Office of the Courts
201 South Carson Street, Suite 250
Carson City, NV 89701
Fax (775) 684-1723
-or-
recordsofficial@nvcourts.nv.gov

All requests must include sufficient detail to reasonably identify what information is being sought and to allow the information to be accessed. The form for records requests is available on the AOC's website at <http://nvcourts.gov/aoc/>.

2. *Response.* The records official shall respond to a request for examination of public records orally or in writing within 5 judicial days².
 - a. If the records official determines the records can be made available for inspection or can be copied without unreasonable disruption to the operations of the Administrative Office of the Courts, the records official shall notify the requestor within 5 judicial days, and shall provide a listing of any copy fees to be charged pursuant to the Court's fee schedule, and any other costs to be assessed pursuant to Section IV, B. (2) of this policy. If the records official determines that there will be a delay of more than 5 judicial days from the date of receipt of the request before the records official can determine whether access to the records is permissible, the records official shall notify the requestor of the reasons for the delay and when a determination will be made. If the records official determines that access to the records is permissible, the records shall be available for inspection as soon as practicable. Copying of records shall occur only once the requestor has agreed to pay any costs related to the request and provided any required deposit for costs.
 - b. If access to the records is not permitted, the response shall indicate the basis for the denial of the inspection request and the case, statute, rule, order, or policy that is the basis of the denial.
 - c. If the records do not exist, the response shall so indicate.

² Requests for judicial education records will be responded to in the time and manner prescribed by the existing *Release of Judicial Education Records Policy*, and as such, the response may take up to 10 judicial days.

- d. If the request does not provide sufficient information to locate the records, the request shall be returned, and the requestor notified.
- e. If the records official determines that compliance with the request would create an undue burden on court operations, or if the number of records requested is so great that inspection or reproduction would create an unreasonable disruption to the work of the court, the records official may require that the request be limited, or the records official may limit the request.
- f. If the person making the request does not inspect or obtain the copies of the records during the time period permitted by the records official, the request shall be deemed withdrawn, but may be renewed by re-submitting the request.
- h. Governing case law and Nevada Revised Statutes do not require the records official to produce records that are not maintained in the ordinary course of business.

B. *Inspection and photocopying*

- 1. *Access to original records.* Upon request, a person shall be allowed to inspect or to obtain copies of original versions of records that are open to the public in the location where such records are kept during regular working hours. If access to the original records would result in disclosure of information which is not permitted, jeopardizes the security of the records, or is otherwise impractical, copies, edited copies, reasonable facsimiles or other appropriate formats may be produced for inspection. Unless expressly authorized by the records official or judicial order, records shall not be removed from the location where they are normally kept.
- 2. *Costs.* The person requesting the information shall bear the costs of complying with the request as determined by the records official. Reasonable fees may be imposed for providing public access to records pursuant to this policy. The records official will provide the requestor with a listing of necessary costs and may require prepayment of the cost. If the requestor has an unpaid balance from a previous request, the records official may require the payment of the unpaid balance before fulfilling the new request. The records official may reduce or waive the charge if doing so is in the public interest, i.e., when providing the copy of the record would primarily benefit the general public or the cost of processing collection of the charge will exceed the amount of the charge. The records official may also waive any charge if the requestor can demonstrate that he or she is indigent and unable to pay such costs.

C. *Reconsideration of denial of access to records.*

A request for reconsideration of a decision denying access to information shall be made to the Chief Justice of the Nevada Supreme Court, in the form of a detailed letter, within 30 judicial days from the date of the decision.

Effective Date: July 14, 2016