NEVADA ADMINISTRATIVE OFFICE OF THE COURTS
POLICY ON PUBLIC ACCESS TO ADMINISTRATIVE RECORDS

I. SCOPE. This policy applies to public access to the Administrative Records of the Nevada Administrative Office of the Courts (AOC) that are in the AOC's custody or control.

To fulfill a public access records request, the AOC will require the name, title or type of information contained in a specific identifiable record or set of information. Requests for generalized information cannot be filled as a 'public records request' and are outside the scope of this policy. The AOC will attempt to answer all reasonable general information requests as workload allows.

The AOC is not required to index, compile, re-compile, re-format, program or to otherwise reorganize existing information to create new records not maintained in the ordinary course of business. Redaction of information as may be required herein is not deemed to be creating a new record. The AOC has no obligation to an individual requestor to conduct research, complete checklists, or answer questions contained in a public records request.

This policy does not apply to court records of the Supreme Court, Court of Appeals, district courts, or limited jurisdiction courts. The AOC is an arm of the Judicial Department of the State of Nevada and subject to Supreme Court oversight, as such NRS 239.010 *et seq.* does not apply to AOC public access records requests. This policy and the Supreme Court rules governing the AOC, control.

Please note AOC administrative records are subject to the Supreme Court's Administrative Records Retention Schedule.

II. DEFINITIONS

A. *Administrative Record.* "Administrative Record" means any document, information, data, or other item created, collected, received, stored, or maintained in the custody or exclusive control of the AOC pertaining to the administration of the judicial branch and that is non-adjudicatory in nature. Administrative record does not include documents, information, data, or items that may otherwise be publically available from other sources, for example the Nevada Supreme Court Law Library.

B. *Court Record.* "Court Record" means any document, information, exhibit, or other thing that is maintained, created, collected, or prepared by a court and is in the court's custody or control in connection with a judicial proceedings such as but not limited to indexes, calendars, dockets, registers of actions, court files, official records of proceedings, orders, decrees, judgments, minutes, and any information in a case management system. Court record does not include any AOC Administrative Records.

C. *Information.* "Information" means any alpha, numeric, audio, or image reproduction data that constitutes a record or any part thereof, regardless of the form or format (i.e., electronic, hardcopy, etc.).

D. *Personal Identifying Information (PII).* For the purposes of this policy, "personal identifying information" has the meaning ascribed to in NRS 205.4617.

E. *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.

F. *Redact, Redaction.* "Redact" means to protect from examination by the public and unauthorized personnel a portion or portions of a specific administrative record. Redaction may be required by the terms of this policy, law, court rule, decision or order, or federal statute or regulation.

G. *Security Records.* "Security Records" means documents or information that would be likely to jeopardize or diminish the security of individuals, information, possessions, or property, in the employment, possession, or custody of the AOC 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 engagements whose release may reasonably be judged to pose a risk to any individual or constitute an unwarranted invasion of privacy.

III. GENERAL ACCESS TO RECORDS OF THE AOC

A. *Court Records.* Requests for court records must be submitted directly to the applicable court or courts and not to the AOC. Such records are deemed not in the custody or control of the AOC.

B. *Administrative Records.* Administrative records of the AOC are open to the public as provided herein. All records made available for inspection or copying are subject to the redaction of personal identifying information before any review may take place.

C. *Public Information of Otherwise Confidential Records.* For certain categories of information otherwise confidential, the following information is public:

1. *Personnel, applicant, unpaid volunteer, senior justice/judge, and independent contractor records.*
   (a) Name of individual;
   (b) Dates of employment;
   (c) Name of office or position to which the individual has been appointed;
   (d) Position classification, pay grade, and gross salary;
   (e) Basis for and amount of any added remuneration;

(f) Travel expenses as provided pursuant to existing AOC Travel Policy;
(g) Other expense reimbursements;
(h) Names of unpaid volunteers or externs;
(i) Independent contractors' names, type of work performed, and amount paid; and
(j) Reports on judicial assignments regularly run from the AOC database after assignments have been completed.

2. *Court Interpreter Information*. Names 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.

4. *Contracts, Agreements.* Terms and contents are public unless confidential by law or contract provision. If a contract provision restricts disclosure, disclosure will be made according to the terms, clauses, and restrictions of the respective contracts, agreements, proprietary restrictions or licenses. The document clause providing for confidentiality may be disclosed unless such disclosure is restricted by law.

5. *AOC Correspondence, Deliberations, Policy or Procedures.* All formal records of a transaction or a receipt or final declaration of policy or procedures. Committee reports and final administrative documents and reports, after approval and release.

6. *Judicial Education Records.* Judicial education records are provided under the terms of the Supreme Court's *Judicial Education Policies.*

7. *Audits.* All audit reports by the Audit Unit are provided under the terms of the Supreme Court's *Audit Unit Working Document, Audit Summary, and Report Release Policy.*

D. *Specifically Confidential Records.* Certain categories of information are confidential, or otherwise not in the control or custody of the AOC, and exempt from public disclosure:

1. *Certain Personnel, Employment Applicant, Unpaid Volunteer, Senior Justice/Judge, or Independent Contractor Records.*
(a) Personnel and payroll records and records of employment investigations, background checks, and hearings;
(b) Records on individuals collected because the individual is or was an applicant for employment;
(c) Information about unpaid volunteers or externs other than that listed in C(1)(h) above;
(d) Information about independent contractors other than that listed in C(1)(i) above;
(e) Information about judicial officers and assignments other than that listed in C(1) above; and

(f) Information about medical enrollment, changes, Family Medical Leave Act, Workers' Compensation, and other medical related documentation and correspondence.

2. *General Public PII.* PII collected by automated means over the Internet or other digital network, e.g. case management programs, is confidential if the AOC determines disclosure could potentially create negative consequences for the person(s) to whom the information pertains.

3. *Court Interpreter Information*. Records relating to individual court interpreters other than that listed in C(2) above.

4. *Testing Records.* Test questions, scoring keys, other examination data, including testing results (unless the person tested has consented to the release) used in the administration an examination given for employment, certification, or for inclusion on any roster.

5. *Proprietary, Licensed, or Copyrighted Materials.* Contents of proprietary or licensed documents or materials received by the AOC. Copyrighted or patented materials in the possession and control of the AOC which the AOC or the Supreme Court did not create or produce, or does not hold the copyright or patent for.

6. *Computer Programs, Software, Code.* Computer programs are intellectual property owned or licensed by the AOC and are not public records. This includes proprietary software or software developed or purchased by or for the AOC for its own or the Court's use including developed software code, even if such software or code is used to generate public records. Documentation and other records that describe the technical location, design, function, operation, or access control features of any AOC or court computer network, automated data processing or telecommunications systems. The records produced by said software may be public.

7. *Competitive Bidding Records*. Terms and content of sealed bids, proprietary information within bids, including the number of bids received prior to the opening of the bids at the time specified in the AOC's bid solicitation offer.

8. *Trade Secrets*. Trade secrets and commercial or financial information obtained from a person that is of a privileged or confidential nature.

9. *Any Draft Internal Correspondence Transmitted.* Internal correspondence not related to AOC work product, policy, or programs, evaluations, investigations, draft work product, informal or preliminary audits or scenarios, internal budget deliberations/estimates/ hypotheticals or fiscal notes that are not part of the final or publicly released budget or legislative process, or compliance reviews including materials prepared by a consultant.

10. *Attorney or Judicial Work Product.* Legal and other work product and records of any attorney or law clerk employed by or representing the AOC produced in the regular course of business or representation of the AOC. All notes, memoranda or drafts prepared by a judge or justice or other AOC personnel at the direction of a judge or justice and used in the course of deliberations on rule, policy or other administrative matters.

11. *Records Relating to Litigation*. Records pertaining to settled, or potential litigation not filed with a court as part of a court record or case, or publicly available through a court.

12. *Guardianship Program Records*. Guardianship Program records, including case investigation information, associated case or investigation materials or items. Guardianship final reports submitted to the court are court records.

13. *Security Records*. See definition in section II.G.

14. *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 item 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 public request to inspect or obtain copies of records 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 pubic record is being sought to allow the Records official to locate it. The form for records requests is available on the AOC's website at http://nvcourts.gov/AOC/, Administration tab, Request Access to Administrative Records (pdf form).

2. *Response.* The AOC response time maybe be influenced by several factors:

(a) *Generally, 5 Judicial Days.* 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 AOC, the Records official shall notify the requestor orally or in writing within 5 judicial days and shall provide an estimate of any fees to be charged, which fee may include any other costs to be assessed pursuant to Section IV (B)(2). Copying of records shall occur only after the requestor has agreed to pay any costs related to the request and provided any required deposit for costs. Please note: some records have varying response time requirements. (See III (C) (6-7).

(b) 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 the records sought contain confidential information, 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 no confidential information is in the requested records, the records shall be available for inspection as expeditiously as practicable.

(c) If the requested records are confidential or contain confidential information that must be redacted before release, 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.

(d) If the records do not exist, the response shall so indicate.

(e) If the request does not provide sufficient information to identify or locate the records, the request shall be returned, and the requestor notified.

(f) If the Records official determines that compliance with the request would create an undue burden on AOC or 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.

(g) If the person making the request does not inspect or obtain the copies of the records during the time period provided by the Records official, the request shall be deemed withdrawn, but may be renewed by re-submitting the request.

B. *Inspection and Photocopying.*

1. *Access to Original Records*. Those records created by and/or held in the custody of the AOC:

(a) Upon request, a person shall be allowed to inspect or to obtain copies of original hardcopy 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 confidential, 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.

(b) If the requested record is solely maintained in an electronic format, the records official shall make an electronic version available for inspection and copying as practicable. Nothing in this policy requires the AOC to provide a copy of a public record in an electronic format or by means of an electronic medium if the record was not created or prepared in an electronic format. Even if available in an electronic format, the records official may restrict access if providing the public records would give the requester access to proprietary software; or require the production of information that is confidential and that cannot be reasonably redacted, deleted, concealed or separated from information that is not otherwise confidential.

2. *Costs.* The requestor must pay the reasonable costs incurred by the AOC for copying as determined by the records official. The AOC's Copy Fees price list may be found at the AOC's website but the AOC will not charge more than fifty-cents per copy page. The records official will provide the requestor with an estimate of necessary costs and may require prepayment. 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, such as 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.