

NEVADA DEPARTMENT OF AGRICULTURE
PUBLIC RECORDS REQUESTS
POLICY #AG-2-ADM-1

PURPOSE:

This policy establishes procedures for handling requests from the public for information, data, records, reports, and publications.

POLICY:

Information, data, and records of the Department, unless declared confidential by law, are public information. The information, data, and records will be made available for inspection by the public during normal business hours, Monday through Friday 8:00 a.m. to 5:00 p.m. Pursuant to NRS Chapter 239.0107, the Department will acknowledge receipt of a request and provide a status report to the requestor within five business days.

SCOPE:

This policy applies to the Department of Agriculture.

REFERENCES:

Nevada Revised Statutes (NRS) 239, Nevada Administrative Code (NAC) 239, Nevada State Records and Retention Schedules

PROCEDURES:

1. Request for public records

A request may be made to the Department's Public Records Officer by completing the Department's public records request form and submitting it either by mail, email, or deliver it directly to the Department's Sparks headquarters office at:

Attn: Public Records Request
Nevada Department of Agriculture - Main Office
405 South 21st Street
Sparks, NV 89431

A request should contain details regarding the records being requested, which will focus and expedite the records search. The request should also include the requestor's contact information, preferably with email and physical mailing addresses and a daytime phone number.

A request for public records need not be made on the Department's public requests form and may be made verbally, as long as the request is not extraordinary and otherwise readily identifiable as a request for public records.

2. Timeframe for Responding to a Request

Pursuant to NRS Chapter 239.0107, the Department will acknowledge receipt of a request and provide a status report to the requestor within five business days.

The agency's Public Information Officer or another appropriate Department of Agriculture employee will notify the requestor when the material is ready for inspection. Inspection of such public records must take place in the Department's main office during normal business hours, Monday through Friday, 8:00 AM to 5:00 PM. If the requestor asks for copies of specific documents while on site, copies will be made by Department staff and the requestor will be charged per the Department's fee schedule.

Records are not always readily accessible and may be located in archived files. To save time, prior to visiting the office to see documents or files that may or may not be on-hand, the Department asks that a request be made by either letter or email before visiting the office.

Due to the volume of requests, records accessibility, staff availability, and legal constraints, the Department may need a few days or even weeks to locate and produce requested records.

3. Confidential Records

Records may deemed as confidential by the Department, the agency has the burden of establishing confidentiality, and must cite the appropriate legal authority for that confidentiality such as state or federal statute, court order, etc.

4. Protection of Original Documents

At no time should any person inspecting public records be allowed to remove original records from the premises or location stored. Reasonable steps shall be taken to ensure the protection of public records while being inspected including but not limited to supervision, viewing areas, and sign-in sign-out requirements.

5. Extraordinary use of personnel or resources

In accordance with NRS 239.055, if a request for copies or inspection of public books or records will require extraordinary use of personnel or technological resources, including the redaction of personal or other privacy protected information a government entity may charge a reasonable fee to comply with such an extraordinary request. If a fee is to be assessed, the requestor will be notified.

6. Fees

The Nevada Department of Agriculture may charge for document searches, certification of documentation, copies and staff time in accordance with NRS 239.052 and 239.055. These fees will be posted in a conspicuous place in all Department offices. Posting and shipping costs will be reimbursed by the requestor.

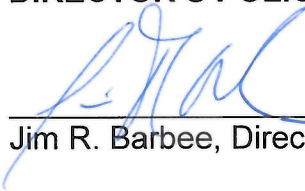
7. Failure to Retrieve or Inspect Records

If within thirty days of notification that records are available for inspection or copying the requestor fails to inspect or retrieve the entire set of records or one or more of the installments, as applicable, the public records officer shall close the request. The requestor shall be notified in writing of this action.

POLICY COMMUNICATION:

This policy will be made available to all employees within the Department of Agriculture and to the public.

DIRECTOR'S POLICY AUTHORIZATION:



Jim R. Barbee, Director

12/11/13
Date

APPROVED BY THE BOARD OF AGRICULTURE ON 12/05/13
Effective Date