



Public Record Request Policy #AG-2-ADM-1

Administration Division

Purpose

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

Policy

Information, data, and records of the *Nevada Department of Agriculture (NDA)*, 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 *Nevada Revised Statutes (NRS) Chapter 239.0107*, the *NDA 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 *Nevada Department of Agriculture (NDA)*.

References

Nevada Revised Statutes (NRS) *Chapter 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 NDA's Public Records Officer~~ *public information officer (PIO)* by completing the ~~Department's NDA's~~ public record request form and submitting it ~~either~~ by email, mail, or delivery to the ~~Department's NDA's~~ Sparks headquarters at:

Attn: Public Record Request
Nevada Department of Agriculture
405 South 21st Street
Sparks, NV 89431

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

A request for public records need not be made on the ~~NDA's Department's~~ public record 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 public record request

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

Public Record Request Policy #AG-2-ADM-1

Administration Division

If in-person inspection is requested, the agency's **PIO Public Information Officer**, or another appropriate NDA employee, will notify the requestor when the material is ready for inspection. Inspection of such public records must take place in the **NDA's Department's** main office during normal business hours; Monday through Friday, 8:00 a.m. to 5:00 p.m. If the requestor asks for copies of specific documents while on site, **NDA Department** staff will make copies and the requestor will be charged per the **NDA's 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 **NDA Department** asks that a request be made via email or letter before visiting the office.

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

3. Confidential records

Records may be deemed as confidential by the **NDA Department**, and the agency has the burden of establishing confidentiality, and must cite the appropriate legal authority for that confidentiality—such as, whether 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 by **NDA staff** 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 before the records search takes place.

The NDA has defined “extraordinary use of personnel or resources” as requests that require more than two days (16 hours) of staff time to fulfill a request. Tasks required to fulfill a request may include: document searches, copying and/or scanning, reviewing records, redacting personal or other privacy-protected information or exporting information from databases or geographic information systems.

6. Fee schedule

The **NDA Nevada Department of Agriculture** may charge for document searches, certification of documentation, copies and staff time in accordance with NRS 239.052 and



Public Record Request Policy #AG-2-ADM-1

Administration Division

239.055. ~~These fees will be posted in a conspicuous place in all department offices.~~ Posting and shipping costs will be *billed to* ~~reimbursed by~~ the requestor.

The NDA will assess requests as needed, but will generally adhere to the following fees:

- The NDA will estimate record request fees based on staff time needed to fulfill the request. Hourly fees will be based on the employee's current salary.*
- Fee estimates will be provided to requestors before any searches take place. The NDA requires written approval of fee estimates in order to fulfill requests.*
- Per NRS 239.055, fees will not exceed 50 cents per page, regardless of time estimated.*
- Once work is complete, the NDA will invoice the requestor for the final fee and will not release records until payment has been received.*

7. Failure to retrieve or inspect records

If, within 30 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 *PIO* ~~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 *NDA* employees ~~within the Department of Agriculture~~ and to the public *via the website: agri.nv.gov/outreach/public_records*.

Director's policy authorization

Jim R. Barbee, Director

Date

Approved by the Board of Agriculture on

Effective Date