

# **NSHE Procedures and Guidelines Manual, Chapter 4**

## **Section 18. Fees for Public Records**

### **A. POSTING; DESIGNATION OF RECORDS OFFICIALS; ADOPTION OF INSTITUTION POLICIES**

This policy must be posted in a conspicuous place at the NSHE System Administration offices (Reno and Las Vegas) and at the office of the president of each NSHE institution. Each institution and the Chancellor's office shall post the policy on its website. The president of each institution and the Chancellor shall designate one or more employees to act as records officials. (NRS 239.008). Each institution may establish its own policy in compliance with NRS Chapter 239, to be followed in lieu of this policy, subject to the prior review of institution general counsel and approval of the president.

### **B. PROCEDURE AND FEES**

The following fees are to be charged by all NSHE institutions or units in responding to all requests for copies of public books or records pursuant to NRS Chapter 239 (Nevada Public Records Act). The fees set forth in this schedule are solely applicable to public records requests. Requests for copies of public books or records may be oral or in writing. NOTE: The Nevada Public Records Act does not require the creation of documents or customized reports in response to requests for information.

**1. Fees for Copies of Public Records on Letter Size or Legal Size Paper (NRS 239.052).** Ten cents (\$.10) per page after the first twenty (20) pages will be charged for a copy of a public book or record on standard letter size or legal size paper. Additional fees may be charged for oversized, difficult to copy or color records, or for the cost of a DVD/CD on which the record is provided. The requester must be informed of any such additional charges before the copies are made and such charges must not exceed the actual cost of providing the copies. The per page copy fees are separate and in addition to any fee to be charged for extraordinary use of personnel or technology.

**2. Fees for Requests Requiring Extraordinary Use of Personnel or Technology (NRS 239.055).** If extraordinary use of personnel or technological resources is required to comply with a public books or records request, the requester must be charged a reasonable fee, not to exceed fifty (50) cents per page, for the extraordinary use of personnel or technological resources.

- a. Extraordinary Use of Personnel.** Extraordinary use of personnel means time in excess of two (2) hours per employee reasonably and necessarily required to provide cost estimates, locate, format, retrieve, compile, review of confidentiality, research, redact, copy requested documents, provide required notices, or other

work related to responding to the request. The rate charged must be reasonable, based on the actual cost incurred and must not exceed fifty (50) cents per page. The estimate of the cost shall take into consideration, but not necessarily be limited to, the gross hourly wages of each of the staff member(s) reasonably available and qualified to respond to the request. The time must be the actual time required to respond to the request. The extraordinary use of personnel fee must not include the first two (2) hours of each employee's time.

**b. Extraordinary Use of Technological Resources.** Should extraordinary use of technology be required to comply with a public books or records request, the requester must be charged the actual cost for the use of the technology, exclusive of overhead, and not to exceed fifty (50) cents per page.

**3. Prior Notice of Extraordinary Fees (NRS 239.055).** Prior to preparing information which requires extraordinary use of personnel or technology, the employee who is responding to the request must prepare an estimate of the time required to comply and must inform the requester of the anticipated charge based upon those estimates. The estimated fee must be collected before the work begins to prepare the requested copy of the public record. If the requester objects to the prior payment of all or part of the estimate, counsel should be consulted. NSHE will not charge an additional fee as provided herein if subsequent requests for the same documents do not require the extraordinary use of NSHE personnel or technological resources to fulfill the additional or subsequent requests. If the actual cost is less than the estimate, the balance must be returned to the requester.

**4. Fees for Copies of Public Records in Other Media (NRS 239.010(4)).** A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has custody of a public record must not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium. In the event a request is made for a public record maintained in a readily available medium other than letter size or legal size paper or the readily available medium of the public record cannot be accurately reproduced on a standard copier to letter size or legal size paper, the requester must be charged the actual cost for reproducing the record.

**5. Fees for Records from Geographic Information Systems (NRS 239.054).** A fee for public information maintained and retrieved from a geographic information system may include the reasonable costs related to:

- a. The gathering and entry of data into the system;
- b. Maintenance and updating of the database of the system;
- c. Hardware;
- d. Software;

- e. Quality Control;
- f. Consultation with personnel of the governmental entity.

Prior to retrieving the record from the geographic information system, the processing employee must obtain estimates of the costs required to comply and must inform the requester of the estimated fee. The estimated fee must be collected before the work begins to prepare the requested copy of the public record. If the actual cost is less than the estimate, the balance must be returned to the requester.

**6. Additional Fee for Copy of Transcript of Administrative Proceeding (NRS 239.053).** If the public records request is for a copy of a transcript by a certified court reporter of an administrative proceeding, in addition to the actual cost of the medium in which the copy of a transcript is provided, the requester must be charged the per page fee set forth in the contract with the court reporter.

**7. Public Meetings; Providing Copies of Agenda and Supporting Material (NRS 241.020(5) & (6)).** Upon any request, a public body must provide at no charge at least one copy of:

- a. An agenda for a public meeting;
- b. A proposed ordinance or regulation which will be discussed at the public meeting; and
- c. Any other supporting material provided to the members of the body except materials:
  - i. Submitted to the public body pursuant to a nondisclosure or confidentiality agreement;
  - ii. Pertaining to the closed portion of such a meeting of the public body; or
  - iii. Declared confidential by law or by application of appropriate legal standards.

If the requester has agreed to receive the information and material set forth above subsection 5 by electronic mail, the processing employee must, if feasible, provide the information and material by electronic mail.

**8. Certification of Public Records (NRS 239.030).** Upon request, each NSHE department having custody of a public record must certify that the copies provided are true and correct copies of the records on file in the office as of the date provided. NRS 240.100 authorizes notary fees of \$2.50 for certification of copies. No additional fee for certification will be required, unless otherwise established in state or federal law.