

# Public Records Policy

**The purpose of this records management program is to maintain a cost effective program, as well as accurate and accessible retrieval and handling of all information generated in any recorded format by officers and employees of the Fire District for the official conduct of the District's business, and to preserve such records of historical significance for the benefit of both present and future generations.**

**NAC 239.091 "Public record" defined.** "Public record" means a record of a local governmental entity that is created, received or kept in the performance of a duty and paid for with public money.

**NAC 239.101 "Record of a local government" defined.** "Record of a local government" means information that is created or received pursuant to a law or ordinance, or in connection with the transaction of the official business of any office or department of a local governmental entity, including, without limitation, all documents, papers, letters, unpublished books, maps, charts, blueprints, drawings, photographs, films, computer printouts, newspapers received pursuant to NRS 247.070, artifacts entered as exhibits in any proceeding in any court, information stored on a magnetic tape, computer, laser disc or optical disc, or on material which is capable of being read by a machine, including microforms and audio and visual materials, and any other evidence, including all copies thereof.

## NON-RECORDS

The following are, as defined by NAC 239.051, non-records and not subject to this policy: published books and pamphlets, books and pamphlets printed by a governmental printer, worksheets used to collect or compile data after it has been included in a record, answer pads for a telephone or other informal notes, unused forms except ballots, brochures, newsletters, magazines and newspapers.

## POLICY

This Public Records Policy, including the attached Records Retention and Disposal Schedule, is adopted pursuant to NRS 239.125 and shall serve as the Tahoe Douglas Fire Protection District's official policy on the handling, retention, and destruction of Public Records as defined above.

The records of the Fire District are a significant government asset. They contain valuable information used to support decision-making, sustain communications, control the delivery of services, and ensure accountability. All employees of the District have a responsibility to manage records in accordance with this policy and Nevada state law.

Unauthorized destruction of, or tampering with, official records can have serious consequences; a public officer or employee guilty of stealing, altering, defacing, removing, or concealing public records, or destroying public records without lawful authority may be imprisoned for up to five years and levied a fine of up to \$10,000 (NRS 239.300 to 239.320, inclusive).

This Records Retention Schedule identifies the *minimum* time period the listed records must be retained, meaning records disposition may not occur before this time period expires. When the minimum retention period has been met, the recommended disposition of the records should be initiated. Certain events (i.e., Legal Holds) may occur that will require a stop to disposition procedures.

### **RECORDS MANAGER**

The Fire Chief will designate the Records Manager for the Fire District. The Records Manager administers the record management and archives program; advises the District staff on program policies; inspects District records ascertains the District's compliance with recordkeeping requirements established by state law and District policy; prepares records retention and disposition schedules; provides and facilitates access to public information under the Nevada Public Records Act; and operates the District's archives and records storage facilities. The Records Manager will, at the direction of the Fire Chief, provide for the destruction of records designated for disposal.

### **RECORDS STORAGE**

The District's archives and records shall be stored as follows: Fire Prevention and Emergency Medical Services Division records will be stored in the secure storage area of Fire Station 21. Financial, obsolete personnel, medical, and training records, historical, inactive and miscellaneous files will be stored in the secured storage area of Fire Station 22. Personnel, medical, and training records for current employees will be stored in secured storage areas at Fire Station 23.

### **HOW TO REQUEST PUBLIC RECORDS**

A request for public records can be initiated:

- In person;
- Electronically; or
- May mail, email or fax.

All requests must be in writing on the Public Records Request form.

Requests for records shall be date stamped upon receipt and logged. A copy of the request shall be maintained in accordance with this policy. The Records Manager will forward the request to the division in Fire District which may best be able to respond and/where the records are maintained.

### **PUBLIC ACCESS TO RECORDS**

The Records Manager must, by the end of the fifth business day, comply with any written request from any member of the public for access to any public record (NRS 239.0107). If unable to comply with the request, the Records Manager must provide to that person: notice of that fact; the name and address of the governmental entity that has legal custody or control of the

record; and a date and time after which the record will be available for public access. If the record has been destroyed pursuant to the public retention schedule, written notice of that fact is to be provided to the requestor.

### **GENERAL REQUEST GUIDELINES**

- a. All public records, unless declared by law to be confidential must be open at all times during office hours to inspection by any person, and may be copied.
- b. Original public records must not be removed from Fire District offices during inspection by members of the public and must be monitored by an employee while any review is being conducted.
- c. Fees for inspection and copies of public records are outlined in the fee schedule for requests for public records.
- d. If a record contains information deemed confidential, a request to inspect or copy the record cannot be denied if the confidential information can be redacted, deleted, concealed or separated from the record, so the remainder of the record can be inspected or copied.
- e. Electronic databases that contain the electronic mail addresses and/or telephone numbers of the individuals that have provided the addresses or numbers for the purpose of or in the course of communicating with the Fire District are confidential and may not be disclosed in its entirety as a single unit unless in response to an order issued by a court. However, individual telephone numbers or electronic mail addresses of a person are not confidential and may be disclosed individually.
- f. Public records must be provided in any medium in which they are readily available. The Records Manager shall not refuse to provide a copy of the record in a readily available medium because he/she has already prepared or would prefer to provide the copy in a different medium.
- g. If the person responding in the division which is responsible for the subject matter of the request has questions concerning inspection or reproduction of a requested document, he or she should consult the Records Manager and/or his or her designee. Likewise, if the Records Manager and/or his or her designee have questions concerning inspection or reproduction of a requested document, he or she should consult the Fire Chief or his or her designee.
- h. Copyrighted materials may be duplicated-without risk of infringement-when reproduction is for the specific purpose of: "criticism, comment, news reporting, teaching, scholarship, or research" (17 U.S.C.A. Sec. 107). When the Records Manager is aware that some other use is intended, consultation with the deputy attorney general assigned to the agency may be necessary to insure there is no infringement by reproduction of copyrighted material.
- i. Without prior written authorization from the governmental agency, the detail or description of work or tasks performed contained in the billing records must be redacted. The number of hours spent on a matter, however, is generally not confidential information.
- j. The public records request form and accompanying documents and correspondence will be kept according to the appropriate state records retention schedule and may be a public record.

- k. The fee schedule for requests for public records must be posted in public view and on the Fire District website

## **FEES**

The first hour of staff time will not be charged. No cost will be assessed for inspection of the existing records unless staffs time to retrieve or otherwise process the records exceeds one hour. If estimated staff time exceeds on hour, the requestor is responsible for the staff time incurred, which is due and payable before processing of the records will begin.

**Staff time** (for review, redacting, copying or otherwise processing records requests) shall be billed at a minimum of \$18.125/per hour and will be adjusted depending on staff member required.

Fees for staff time are in addition to fees for copying.

### **Copying fees:**

For records in excess of 20 pages, an additional fee:

- a. Black and white copies, up to 8.5” x 14”: \$.01/per page
- b. Color, up to 8.5” x 14”: \$.06/per page
- c. Compact Disc/DVD: \$5/per disc

Oversize documents shall have a fee levied equivalent to the actual cost of reproduction and any express processing fees.

### **Postage:**

The requestor is responsible for estimated postage.

### **Payment:**

Payment may only be made by check or money order made out to the “Tahoe Douglas Fire Protection District.”

The requestor is to be advised, in advance, if the volume or list of records encompassing the request and the potential cost to provide the records if applicable. Copies of records shall be furnished upon payment of associated fees.

The requestor is to be advised that reproduced materials will be held for fourteen (14) days and subsequently destroyed if not claimed.

## **EXTRAORIDNARY REQUESTS**

- When the Records Manager reviews a public record request, it may be determined that the request will require significant use of personnel or resources to produce and be designated as an Extraordinary Public Records Request.

- Such a request may apply to an individual or a division.
- Fees may be imposed in accordance with NRS 239.055.
- If the cost of reproduction exceeds \$25, the requestor is to be advised that advance payment in full will be required to process the request(s).
- The amount deposited by the requestor shall include the estimated manpower costs to retrieve or reproduce the record(s) and the estimated material charges to retrieve or reproduce the records(s).
- Data requests for electronic databases, electronic records or services that are value-added products and beyond the normal scope of the office's workload will be provided as the appropriate resources are available to fulfill the request.
- The criteria above are guidelines which may be expanded depending upon the circumstances of the request.

### **REQUEST DENIAL**

If the record is determined to be of a confidential nature, the Records Manager must provide the record with the confidential information redacted or provide in writing a citation of the specific statute or other legal authority that makes the record confidential.

### **RECORDS RETENTION**

The Records Retention Schedule represents the minimum amount of time that records must be retained in order to be in compliance with state and federal law. Fire District administration may identify certain records, or series of records, that have use or historical value that justifies retention beyond the scheduled disposal date. However, keeping records with no further use or historical value stored beyond their disposal date wastes valuable storage space and district resources.

Historical records are records with enduring value that are preserved for reference and research purposes because they reflect significant events or document the history and development of the Fire District.

### **RECORDS RETENTION SCHEDULE**

All records series are as described in *Nevada Local Government Retention Schedule*.

<http://nsla.nv.gov/uploadedFiles/nslanvgov/content/Records/SRC/2012%20Complete%20LG%20Retention%20Schedules.pdf>