

AVAILABILITY AND INSPECTION OF PUBLIC RECORDS

NAC 239.860 “Readily available” interpreted. ([NRS 239.008, 378.255](#)) For the purposes of [NRS 239.0107](#), as applicable to an agency of the Executive Department, a public record is “readily available” if:

1. The public record is easily retrievable by an officer, employee or agent of the agency who has legal custody or control of the record;
2. The public record does not contain any confidential information; and
3. The nature of the public record is such that an officer, employee or agent of the agency who has legal custody or control of the record is not required to review the record to determine whether the record includes confidential information.

(Added to NAC by Library & Archives Admin’r by R107-13, eff. 12-22-2014)

NAC 239.861 “Readily available medium” interpreted. ([NRS 239.008, 378.255](#)) For the purposes of [NRS 239.010](#), as applicable to an agency of the Executive Department, “readily available medium” means any format in which a public record exists with the agency at the time that a person requests to inspect, copy or receive a copy of the public record.

(Added to NAC by Library & Archives Admin’r by R107-13, eff. 12-22-2014)

NAC 239.862 Certain information concerning availability of public records to be made available by agency on Internet. ([NRS 239.008, 378.255](#)) A records official of each agency of the Executive Department shall ensure that the agency makes available on the website maintained by the agency on the Internet or its successor:

1. The address and regular office hours of the principal office of the agency;
2. The name of each records official of the agency;
3. An explanation of any fees the agency charges for providing a copy of a public record;
4. An explanation of how a person may request to inspect, copy or receive a copy of a public record; and
5. A link to the form described in [NAC 239.863](#) to request to inspect, copy or receive a copy of a public record.

(Added to NAC by Library & Archives Admin’r by R107-13, eff. 12-22-2014)

NAC 239.863 Form to inspect, copy or receive copy of public record. ([NRS 239.008, 378.255](#))

1. The form to request to inspect, copy or receive a copy of a public record of an agency of the Executive Department must include, without limitation:
 - (a) The name, address and telephone number of the person submitting the request;
 - (b) The date that the request is submitted to the agency;
 - (c) A description of the public record that is sufficient to identify the record;

(d) An indication of whether the person submitting the request wants to inspect, copy or receive a copy of the public record;

(e) If the person wants to receive a copy of the public record, an indication of:

(1) Whether the person wants a paper copy, an electronic copy or a certified copy of the record; and

(2) Whether the person will receive the copy of the record at the office of the agency or the person wants to receive the copy by mail, facsimile machine or electronic mail; and

(f) An oral or written affirmation by the person requesting to inspect, copy or receive a copy of the public record that the person understands that:

(1) There may be a fee to receive a copy of a public record, which the person must pay in full before receiving the copy; and

(2) He or she will receive from a records official a written estimate to reproduce the public record if the estimated actual cost of reproducing the record is more than \$25.

2. If a person indicates that he or she wants to receive a copy of the public record by facsimile machine or electronic mail, the person must include on the form a facsimile number or electronic mail address, as applicable.

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NAC 239.864 Fee for providing copy of public record: Estimate of fee; deposit. ([NRS 239.008](#), [378.255](#)) If an agency of the Executive Department charges a fee for providing a copy of a public record:

1. A records official shall provide a person who requests a copy of a public record with an estimate of the fee for the copy, if the estimated actual cost is more than \$25. The estimate of the fee must include, without limitation, the amount of postage that the agency will charge the person if the person requested to have the copy delivered by mail.

2. A records official:

(a) May require the person who requests a copy of a public record to pay a deposit of not more than the estimate of the actual cost of providing the copy; and

(b) Shall require the person who requests a copy of a public record to pay the fee for providing the copy, including, without limitation, postage for mailing the copy, if applicable, before the person receives the copy.

(Added to NAC by Library & Archives Admin'r by R107-13, eff. 12-22-2014)

NAC 239.865 Records official authorized to request additional information or clarification relating to request to inspect, copy or receive public record. ([NRS 239.008](#), [378.255](#)) A records official may request additional information or clarification from a person who has requested to inspect, copy or receive a copy of a public record to determine which public record the person is requesting to inspect, copy or receive a copy of, as applicable.

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NAC 239.866 Requirements for inspection of public record. (NRS 239.008, 378.255)

1. A records official of each agency of the Executive Department shall ensure that the agency provides a suitable space for a person to inspect a public record in a manner that does not cause excessive interference with the essential functions of the agency.

2. A records official shall ensure that an employee of the agency observes the inspection of a public record.

3. A person who requests to inspect a public record shall not:

(a) Remove a document from the space provided pursuant to subsection 1; or

(b) Disassemble or alter the public record.

4. A records official may provide access to inspect a public record in installments if the person who requested to inspect the record agrees and the record is large enough that it would be reasonably practicable to provide access to the record in installments.

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NAC 239.867 No requirement to create public record that does not exist. (NRS 239.008, 378.255) If a person requests to inspect, copy or receive a copy of a public record that does not exist, a records official or an agency of the Executive Department is not required to create a public record to satisfy the request.

(Added to NAC by Library & Archives Admin'r by R107-13, eff. 12-22-2014)

NAC 239.868 Agency prohibited from disposing of requested public record; disposal of unclaimed copy of public record. (NRS 239.008, 378.255)

1. Except as otherwise provided in subsection 2, if a person requests to inspect, copy or receive a copy of a public record, the records official of the agency of the Executive Department which possesses the record shall ensure that the agency does not dispose of the record until the agency has complied with the request.

2. If a person who requests to receive a copy of a public record does not claim the copy, the records official may dispose of the copy if the person does not:

(a) Claim the copy from the agency; or

(b) Notify the agency of when the person will claim the copy,

↪ within 30 days after the copy is reproduced.

(Added to NAC by Library & Archives Admin'r by R107-13, eff. 12-22-2014)

NAC 239.869 Adoption by reference of Nevada Public Records Act: A Manual for State Agencies. (NRS 239.008, 378.255) The State Library, Archives and Public Records Administrator hereby adopts by reference the *Nevada Public Records Act: A Manual for State Agencies*, 2014 edition, and any subsequent edition issued by the Division which has been approved by the Administrator. The most recent edition that has been approved by the Administrator may be obtained, at no cost, from the Division of State Library, Archives and Public Records of the Department of Administration,

100 North Stewart Street, Carson City, Nevada 89701, or at the Internet address **http://nsla.nv.gov/Records/Public_Records/Public_Records/**.

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