JOE LOMBARDO
Governor

DR. KRISTOPHER SANCHEZ
Director

ADAM TETI
Administrator

JODIE TONKIN
Deputy Administrator

DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INDUSTRIAL RELATIONS

PUBLIC RECORD REQUEST POLICY AND PROCEDURE

Thank you for reaching out to the State of Nevada Department of Business and Industry, Division of Industrial Relations, regarding your public record request. Please complete all sections of the Public Records Request Form to submit your public records request.

1. What is a Public Record?

There is no Nevada statute that defines a public record. Generally, all books and records of a governmental entity are presumed to be public records unless otherwise declared by law to be confidential. NRS 239.010.

A public record is a "record" and not simply information. If a record does not already exist, there is generally no duty to create a record in response to a public records request. *Letter to Ms. Lockard*, Op. Nev. Att'y. Gen. No. 2000-12 (April 28, 2000); s*ee also Public Employees' Ret. Sys. of Nevada v. Reno Newspapers, Inc.*, 129 Nev. 833, 840, 313 P.3d 221, 225 (2013) (vacating the district court's order "to the extent that the district court ordered PERS to create new documents or customized reports by searching for and compiling information from individuals' files or other records").

A record is not available to the public if it is declared by law to be confidential. A copy of the statutes and regulations which make certain Division records or information confidential and not subject to disclosure is attached as Appendix "A".

A record may also be confidential if it is privileged or if a common-law balancing of the interests test shows that the public interest in disclosure is outweighed by other interests such as privacy, the ability of the agency to perform its function, or other substantial concerns. There is, however, a strong presumption in favor of disclosure, so exemption, exception or balancing tests must be narrowly construed. NRS 239.001(3); s*ee also DR Partners v. Bd. of County Comm'rs*, 116 Nev. 616, 6 P.3d 465 (2000) (reversing the district court's order denying newspaper's request for unredacted records documenting use of publicly owned cellular telephones).

2. Records Official/Custodian

Each State agency, including the DIR, must have a records official. The records official for DIR is the Division's Senior Division Counsel. Each Section of the Division shall also have a Section's records official, listed below. DIR management or Division's Senior Counsel may also designate a Legal Researcher to help each Section's records official log and respond to public records requests.

Section's records officials are:

Workers' Compensation Section
North: Kevin Cook
South: Stacey Sanders
Email request to: wcshelp@dir.nv.gov

Occupational Safety and Health Administration
Statewide: Grace Sagrado
Kim Toledo, Alternate
Submit request at: https://hal.nv.gov/form/NV_OSHA/NV_OSHA_Public_Records_Request

Mechanical Compliance Section
Statewide: Joan Finlay
Miguel Lopez, Alternate
Email request to: mcs@dir.nv.gov

Safety Consultation and Training Section
North: Luke Hendrickson
South: Todd Schultz
Email request to: lhendrickson@dir.nv.gov or tschultz@dir.nv.gov

Mine Safety and Training Section
Statewide: Lisa Olson
Email request to: mines@dir.nv.gov

All record requests received by the DIR should be forwarded *immediately* to the Section's records official and his or her designee. The Section's records official should then work with the Section Chief for the subject area in order to determine the timeline for the DIR's response as well as the content of the response. In handling the records request, the Section's records official shall follow the procedure outlined below in paragraph 3.

3. Procedures

a. A copy of all requests for public records to the DIR should be immediately forwarded to the Section's public records official and his or her designee who will ensure that the request is logged in the Division's Public Records Request Log.

i. The Section's records official or his or her designee shall acknowledge receipt of the request in writing. If the request is received by e-mail, this acknowledgement also may be sent by e-mail.
ii. The Section's records official or his or her designee will forward the request to the Section in the DIR which may best be able to respond and/or where the records are maintained.

b. The Section's records official ensures that, within five (5) business days from receipt of the request, one of the following occur:

i. The requester inspects the record or receives copies of the record, as requested;
ii. If the DIR does not have legal custody of the record, written notice of that fact and the name and address of the governmental entity that has legal custody of the record, if known, is provided to the requester;
iii. If the record has been destroyed pursuant to the DIR's records retention schedule, written notice of that fact is provided to the requester;
iv. If the Section is unable to provide the record by the end of the fifth business day after the request is received, written notice of that fact and a date and time after which the record will be available for the person to inspect or copy is provided to the requester. If this is known at the time the acknowledgment is sent to the requester, see above paragraph a(i), this information may be included with the acknowledgment sent by the records official or his or her designee; or
v. If the request may be denied because the record is confidential, written notice of that fact and a citation to the specific status or other legal authority that makes the record confidential is provided to the requester.

See NRS 239.0107.

c. The requester is to be advised, in advance, of 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.

i. The requester is to be advised that reproduced materials will be held for fourteen (14) days and subsequently destroyed if not claimed.
ii. If the cost of reproduction exceeds $10, the requester is to be advised that advance payment in full will be required to process the request(s).

See NRS 239.005 (defining "actual cost") and 239.052 through 239.054 (regarding fees and limitations for providing a copy of a public record).

4. Fees

No fees will be charged until the total costs reach $10.

Copying fees:

a.	Black and white copies, up to 8.5" x 14":	$.05/per page
b.	Color, up to 8.5" x 14":	$.05/per page
c.	Compact Disc/DVD	$5/per disc
d.	Certified true copies:	$5/per page

Court reporter transcripts:

If the public records request includes a court reporter's transcript, the Section's records official shall prepare and send a response to the requester advising of the name and address of the court reporting agency, the caption of the reported matter, the date of the transcript and that the transcript can be obtained directly from the court reporting agency. *See* NRS 239.053.

Payment:

Payment may only be made by check or money order made out to the "Division of Industrial Relations."

5. General Policies for Processing Public Records Requests

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 the Section's Offices during inspection by member 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 individuals that have provided the addresses or numbers for the purpose of or in the course of communicating with the Department of Business and Industry, Division of Industrial Relations 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 custodian of record 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. Public Records Requests must be responded to no later than the end of the fifth business day after the date on which the request is received by the Division. The response may include an estimate of the time it will require to provide access or a copy.

h. Public record requests may be written or verbal.

i. If a person responding in the Section of DIR where the records are maintained or which is responsible for the subject matter of the request has questions concerning inspection or reproductions of a requested document, he or she should consult the Section's records official and/or his or her designee. Likewise, if the Section's records official and/or his or her designee have questions concerning inspection or reproduction of a requested document, he or she should consult the DIR Senior Division Counsel and/or his or her designee. These individuals will assist with the issues of whether:

   i. The item requested is actually a public record, available for review and reproduction;
   ii. The item requested is a public record which some special legal considerations might dictate should not be made available for inspection and reproduction; and
   iii. If a legal balancing test is to be performed, the requestor should be informed and then notified as soon as a decision has been made. Balancing tests should be performed without delay.

j. 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 custodian 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.

k. Confidential records of federal, state, and local governments shared with DIR MUST NOT be disclosed without prior written authorization from that government agency. Further, mere possession of records or information may not mean that the DIR has legal custody or control over those records. *See* NAC 239.041.

l. Without prior written authorization from the governmental agency, the detail or description of work or tasks performed contained in DIR billing records must be redacted. The number of hours spent on a matter, however, is generally not confidential information.

m. Telephone numbers and/or e-mail addresses maintained in a database by the DIR for the purpose of and/or in the course of a person's communications with the DIR are confidential and are not deemed a public book or record. *See* NRS 239B.040.

n. 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.

Originally Approved August 28, 2014

Revised December 13, 2023

APPENDIX A

NRS 239.010 Public books and public records open to inspection; confidential information in public books and records; copyrighted books and records; copies to be prepared by governmental entity and provided in electronic format unless other medium requested.

1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.23

0, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.107, 636.262, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641A.289, 641B.170, 641B.281, 641B.282, 641B.460, 641C.455, 641C.760, 641C.800, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

[1:149:1911; RL § 3232; NCL § 5620]—(NRS A 1963, 26; 1965, 69; 1993, 1230, 2307, 2623; 1995, 503, 716; 1997, 2386; 1999, 1210; 2007, 2062; 2013, 321, 2268, 2269; 2015, 165, 445, 456, 573, 872, 896, 953, 961, 1052, 1270, 1396, 1458, 2143, 2312, 2368, 2465, 2661, 2983, 3073, 3195, 3364, 3511, 3665; 2015, 29th Special Session, 10; 2017, 74, 389, 438, 495, 521, 589, 716, 742, 753, 890, 1007, 1020, 1150, 1474, 1554, 1637, 1725, 1956, 2068, 2131, 2246, 2402, 2508, 2688, 2955, 3095, 3206, 3400, 3876, 3983, 4071, 4238; 2018 initiative petition, Ballot Question No. 5; 2019, 44, 163, 244, 326, 552, 948, 1027, 1058, 1063, 1074, 1176, 1897, 1935, 2163, 2463, 2510, 2718, 2814, 3071, 3412, 3528, 3850, 3993, 4004, 4009, 4153, 4335; 2020, 32nd Special Session, 110; 2021, 87, 122, 188, 311, 541, 548, 699, 799, 867, 1152, 1362, 1916, 1963, 2524, 3057, 3134, 3167, 3695)

NRS 239.0105 Confidentiality of certain records of local governmental entities.

1. Records of a local governmental entity are confidential and not public books or records within the meaning of NRS 239.010 if:

(a) The records contain the name, address, telephone number or other identifying information of a natural person; and

(b) The natural person whose name, address, telephone number or other identifying information is contained in the records provided such information to the local governmental entity for the purpose of:

(1) Registering with or applying to the local governmental entity for the use of any recreational facility or portion thereof that the local governmental entity offers for use through the acceptance of reservations; or

(2) On his or her own behalf or on behalf of a minor child, registering or enrolling with or applying to the local governmental entity for participation in an instructional or recreational activity or event conducted, operated or sponsored by the local governmental entity.

2. The records described in subsection 1 must be disclosed by a local governmental entity only pursuant to:

(a) A subpoena or court order, lawfully issued, requiring the disclosure of such records;

(b) An affidavit of an attorney setting forth that the disclosure of such records is relevant to an investigation in anticipation of litigation;

(c) A request by a reporter or editorial employee for the disclosure of such records, if the reporter or editorial employee is employed by or affiliated with a newspaper, press association or commercially operated, federally licensed radio or television station; or

(d) The provisions of NRS 239.0115.

3. Except as otherwise provided by specific statute or federal law, a natural person shall not provide, and a local governmental entity shall not require, the social security number of any natural person for the purposes described in subparagraphs (1) and (2) of paragraph (b) of subsection 1.

4. As used in this section, unless the context otherwise requires, "local governmental entity" has the meaning ascribed to it in NRS 239.121.

(Added to NRS by 2005, 1040; A 2007, 2063)

NRS 239.0107 Requests for inspection or copying of public books or records: Actions by governmental entities.

1. Not later than the end of the fifth business day after the date on which the person who has legal custody or control of a public book or record of a governmental entity receives a written or oral request from a person to inspect, copy or receive a copy of the public book or record, a governmental entity shall do one of the following, as applicable:

(a) Except as otherwise provided in subsection 2, allow the person to inspect or copy the public book or record or, if the request is for the person to receive a copy of the public book or record, provide such a copy to the person.

(b) If the governmental entity does not have legal custody or control of the public book or record, provide to the person, in writing:

(1) Notice of the fact that it does not have legal custody or control of the public book or record; and

(2) The name and address of the governmental entity that has legal custody or control of the public book or record, if known.

(c) Except as otherwise provided in paragraph (d), if the governmental entity is unable to make the public book or record available by the end of the fifth business day after the date on which the person who has legal custody or control of the public book or record received the request:

(1) Provide to the person, in writing, notice of the fact that it is unable to make the public book or record available by that date and the earliest date and time after which the governmental entity reasonably believes the public book or record will be available for the person to inspect or copy or after which a copy of the public book or record will be available to the person. If the public book or record or the copy of the public book or record is not available to the person by that date and time, the governmental entity shall provide to the person, in writing, an explanation of the reason the public book or record is not available and a date and time after which the governmental entity reasonably believes the public book or record will be available for the person to inspect or copy or after which a copy of the public book or record will be available to the person.

(2) Make a reasonable effort to assist the requester to focus the request in such a manner as to maximize the likelihood the requester will be able to inspect, copy or receive a copy of the public book or record as expeditiously as possible.

(d) If the governmental entity must deny the person's request because the public book or record, or a part thereof, is confidential, provide to the person, in writing:

(1) Notice of that fact; and

(2) A citation to the specific statute or other legal authority that makes the public book or record, or a part thereof, confidential.

2. If a public book or record of a governmental entity is readily available for inspection or copying, the person who has legal custody or control of the public book or record shall allow a person who has submitted a request to inspect, copy or receive a copy of a public book or record as expeditiously as practicable.

(Added to NRS by 2007, 2061; A 2013, 321; 2019, 4006)

NRS 239.011 Application to court for order compelling disclosure of public book or record in legal custody or control of governmental entity for less than 30 years; priority; appeal.

1. If a request for inspection, copying or copies of a public book or record open to inspection and copying is denied or unreasonably delayed or if a person who requests a copy of a public book or record believes that the fee charged by the governmental entity for providing the copy of the public book or record is excessive or improper, the requester may apply to the district court in the county in which the book or record is located for an order:

(a) Permitting the requester to inspect or copy the book or record;

(b) Requiring the person who has legal custody or control of the public book or record to provide a copy to the requester; or

(c) Providing relief relating to the amount of the fee,

➥as applicable.

2. The court shall give this matter priority over other civil matters to which priority is not given by other statutes. If the requester prevails, the requester is entitled to recover from the governmental entity that has legal custody or control of the record his or her costs and reasonable attorney's fees in the proceeding.

3. If the governmental entity appeals the decision of the district court and the decision is affirmed in whole or in part, the requester is entitled to recover from the governmental entity that has legal custody or control of the record his or her costs and reasonable attorney's fees for the appeal.

4. The rights and remedies recognized by this section are in addition to any other rights or remedies that may exist in law or in equity.

(Added to NRS by 1993, 1230; A 1997, 2386; 2013, 322; 2019, 4007)

NRS 239.0113 Burden of proof where confidentiality of public book or record is at issue. Except as otherwise provided in NRS 239.0115, if:

1. The confidentiality of a public book or record, or a part thereof, is at issue in a judicial or administrative proceeding; and

2. The governmental entity that has legal custody or control of the public book or record asserts that the public book or record, or a part thereof, is confidential,

Ê the governmental entity has the burden of proving by a preponderance of the evidence that the public book or record, or a part thereof, is confidential.

(Added to NRS by 2007, 2062)

NRS 239.0115 Application to court for order allowing inspection or copying of public book or record in legal custody or control of governmental entity for at least 30 years; rebuttable presumption; exceptions.

1. Except as otherwise provided in this subsection and subsection 3, notwithstanding any provision of law that has declared a public book or record, or a part thereof, to be confidential, if a public book or record has been in the legal custody or control of one or more governmental entities for at least 30 years, a person may apply to the district court of the county in which the governmental entity that currently has legal custody or control of the public book or record is located for an order directing that governmental entity to allow the person to inspect or copy the public book or record, or a part thereof. If the public book or record pertains to a natural person, a person may not apply for an order pursuant to this subsection until the public book or record has been in the legal custody or control of one or more governmental entities for at least 30 years or until the death of the person to whom the public book or record pertains, whichever is later.

2. There is a rebuttable presumption that a person who applies for an order as described in subsection 1 is entitled to inspect or copy the public book or record, or a part thereof, that the person seeks to inspect or copy.

3. The provisions of subsection 1 do not apply to any book or record:

(a) Declared confidential pursuant to NRS 463.120.

(b) Containing personal information pertaining to a victim of crime that has been declared by law to be confidential.

(Added to NRS by 2007, 2062; A 2009, 290)

NRS 239.012 Immunity for good faith disclosure or refusal to disclose information. A public officer or employee who acts in good faith in disclosing or refusing to disclose information and the employer of the public officer or employee are immune from liability for damages, either to the requester or to the person whom the information concerns.

(Added to NRS by 1993, 1230)

NRS 239.013 Confidentiality of records of library which identify user with property used. Any records of a public library or other library which contain the identity of a user and the books, documents,

films, recordings or other property of the library which were used are confidential and not public books or records within the meaning of NRS 239.010. Such records may be disclosed only in response to an order issued by a court upon a finding that the disclosure of such records is necessary to protect the public safety or to prosecute a crime.

(Added to NRS by 1981, 182)

NRS 239.014 Confidentiality of certain records collected electronically by governmental entity; list; exceptions; report to Legislature.

1. Except as otherwise provided in subsection 3, a record or portion of a record that contains personally identifiable information collected by automated means over the Internet or other digital network by a governmental entity as part of the electronic collection of information from the general public is confidential if the governmental entity determines that the disclosure of the personally identifiable information could potentially create negative consequences, including, without limitation, financial loss, stigmatization, harm to reputation, anxiety, embarrassment, fear or other physical or emotional harm, for the person to whom the information pertains.

2. Each governmental entity shall maintain a list of records and portions of records determined to be confidential pursuant to subsection 1. The list must describe each record or portion of a record without revealing any personally identifiable information contained in the record.

3. Except if the disclosure is otherwise prohibited by state or federal law, a governmental entity shall grant a request pursuant to NRS 239.010 to inspect or copy a record or portion of a record determined to be confidential pursuant to subsection 1 if the requester demonstrates a compelling operational, administrative, legal or educational justification for inspecting or copying the record or portion of a record, as applicable, that, in the determination of the governmental entity, outweighs the risk of potential negative consequences to the person to whom the record pertains.

4. On or before February 15 of each year, a governmental entity shall:

(a) Prepare a report that provides a detailed description of each record or portion of a record determined to be confidential pursuant to subsection 1 and an explanation of the reasons for that determination. The report must not include any personally identifiable information.

(b) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) If the Legislature is in session, the standing committees of the Legislature which have jurisdiction of the subject matter; or

(2) If the Legislature is not in session, the Legislative Commission.

5. As used in this section, "personally identifiable information" means information that, alone or in combination with other information, may be used to identify a person or an electronic device used by the person. The term includes, without limitation, the name, address, telephone number, date of birth and directory information of a person.

(Added to NRS by 2019, 4009)

NRS 239.030 Furnishing of certified copies of public records. Every officer having custody of public records, the contents of which are not declared by law to be confidential, shall furnish copies certified to be correct to any person who requests them and pays or tenders such fees as may be prescribed for the service of copying and certifying.

[1:73:1909; RL § 2045; NCL § 2976]—(NRS A 1973, 353)

NRS 616B.012 Confidentiality and disclosure of information; penalty for disclosure or use of information; privileged communications.

1. Except as otherwise provided in this section and NRS 239.0115, 607.217, 616B.015, 616B.021 and 616C.205, information obtained from any insurer, employer or employee is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's identity.

2. Any claimant or legal representative of the claimant is entitled to information from the records of the insurer, to the extent necessary for the proper presentation of a claim in any proceeding under chapters 616A to 616D, inclusive, or chapter 617 of NRS.

3. The Division and Administrator are entitled to information from the records of the insurer which is necessary for the performance of their duties. The Administrator may, by regulation, prescribe the manner in which otherwise confidential information may be made available to:

(a) Any agency of this or any other state charged with the administration or enforcement of laws relating to industrial insurance, unemployment compensation, public assistance or labor law and industrial relations;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; and

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS.

Ê Information obtained in connection with the administration of a program of industrial insurance may be made available to persons or agencies for purposes appropriate to the operation of a program of industrial insurance.

4. Upon written request made by a public officer of a local government, an insurer shall furnish from its records the name, address and place of employment of any person listed in its records. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to the local government. The insurer may charge a reasonable fee for the cost of providing the requested information.

5. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit to the Administrator a written request for the name, address and place of employment of any person listed in the records of an insurer. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of a request, the Administrator shall instruct the insurer to furnish the information requested. Upon receipt of such an instruction, the insurer shall furnish the information requested. The insurer may charge a reasonable fee to cover any related administrative expenses.

6. Upon request by the Department of Taxation, the Administrator shall provide:

(a) Lists containing the names and addresses of employers; and

(b) Other information concerning employers collected and maintained by the Administrator or the Division to carry out the purposes of chapters 616A to 616D, inclusive, or chapter 617 of NRS,

➥ to the Department for its use in verifying returns for the taxes imposed pursuant to chapters 363A, 363B, 363C and 363D of NRS. The Administrator may charge a reasonable fee to cover any related administrative expenses.

7. Any person who, in violation of this section, discloses information obtained from files of claimants or policyholders or obtains a list of claimants or policyholders under chapters 616A to 616D, inclusive, or chapter 617 of NRS and uses or permits the use of the list for any political purposes, is guilty of a gross misdemeanor.

8. All letters, reports or communications of any kind, oral or written, from the insurer, or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of chapters 616A to 616D, inclusive, or chapter 617 of NRS.

9. The provisions of this section do not prohibit the Administrator or the Division from:

(a) Disclosing any nonproprietary information relating to an uninsured employer or proof of industrial insurance; or

(b) Notifying an injured employee or the surviving spouse or dependent of an injured employee of benefits to which such persons may be entitled in addition to those provided pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS but only if:

(1) The notification is solely for the purpose of informing the recipient of benefits that are available to the recipient; and

(2) The content of the notification is limited to information concerning services which are offered by nonprofit entities.

(Added to NRS by 1989, 1189; A 1991, 2465; 1993, 701, 1858; 1995, 579, 1583, 2131; 1997, 527, 1425; 1999, 208, 756, 757; 2003, 2303; 2003, 20th Special Session, 216; 2007, 2125; 2015, 2936; 2019, 194, 3164; 2021, 1293)

NRS 616B.015 Confidentiality of certain records and files of Division of Insurance concerning self-insured employers and associations of self-insured public or private employers; exceptions.

1. Except as otherwise provided in subsection 2 and NRS 239.0115 and 607.217, the records and files of the Division concerning self-insured employers and associations of self-insured public or private employers are confidential and may be revealed in whole or in part only in the course of the administration of the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS relating to those employers or upon the lawful order of a court of competent jurisdiction.

2. The records and files specified in subsection 1 are not confidential in the following cases:

(a) Testimony by an officer or agent of the Division and the production of records and files on behalf of the Division in any action or proceeding conducted pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS if that testimony or the records and files, or the facts shown thereby, are involved in the action or proceeding.

(b) Delivery to a self-insured employer or an association of self-insured public or private employers of a copy of any document filed by the employer with the Division pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS.

(c) Publication of statistics if classified so as to prevent:

(1) Identification of a particular employer or document; or

(2) Disclosure of the financial or business condition of a particular employer or insurer.

(d) Disclosure in confidence, without further distribution or disclosure to any other person, to:

(1) The Governor or an agent of the Governor in the exercise of the Governor's general supervisory powers;

(2) Any person authorized to audit the accounts of the Division in pursuance of an audit;

(3) The Attorney General or other legal representative of the State in connection with an action or proceeding conducted pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS;

(4) Any agency of this or any other state charged with the administration or enforcement of the laws relating to workers' compensation or unemployment compensation; or

(5) Any federal, state or local law enforcement agency.

(e) Disclosure in confidence by a person who receives information pursuant to paragraph (d) to a person in furtherance of the administration or enforcement of the laws relating to workers' compensation or unemployment compensation.

3. As used in this section:

(a) "Division" means the Division of Insurance of the Department of Business and Industry.

(b) "Records and files" means:

(1) All credit reports, references, investigative records, financial information and data pertaining to the net worth of a self-insured employer or association of self-insured public or private employers; and

(2) All information and data required by the Division to be furnished to it pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS or which may be otherwise obtained relative to the finances, earnings, revenue, trade secrets or the financial condition of any self-insured employer or association of self-insured public or private employers.

(Added to NRS by 1995, 2123; A 1999, 209; 2007, 2126; 2019, 3165)

NRS 616B.315 Notification of change in ownership or control of self-insured employer; automatic termination of certification unless extension granted. A self-insured employer shall notify the Commissioner not less than 60 days before any change in ownership or control of the employer. The certification of the self-insured employer terminates automatically on the date of the change unless the Commissioner extends the certification. Except as otherwise provided in NRS 616B.015, the Commissioner, upon request, may declare as confidential any documents which are submitted in support of a request for such an extension. Documents declared confidential pursuant to this section are subject to the provisions of NRS 239.0115.

(Added to NRS by 1985, 582; A 1995, 2137; 2007, 2127)

NRS 616B.350 Qualification as association of self-insured public or private employers; application for certification; fee; confidentiality of financial information submitted for certification.

1. A group of five or more employers may not act as an association of self-insured public employers unless the group:

(a) Is composed of employers engaged in the same or similar classifications of employment; and

(b) Has been issued a certificate to act as such an association by the Commissioner.

2. A group of five or more employers may not act as an association of self-insured private employers unless each member of the group:

(a) Is a member or associate member of a bona fide trade association, as determined by the Commissioner, which:

(1) Is incorporated in this State; and

(2) Has been in existence for at least 5 years; and

(b) Has been issued a certificate to act as such an association by the Commissioner.

3. An association of public or private employers that wishes to be issued a certificate must file with the Commissioner an application for certification.

4. The application must include:

(a) The name of the association.

(b) The address of:

(1) The principal office of the association.

(2) The location where the books and records of the association will be maintained.

(c) The date the association was organized.

(d) The name and address of each member of the association.

(e) The names of the initial members of the board of trustees and the name of the initial association's administrator.

(f) Such other information as the Commissioner may require.

5. The application must be accompanied by:

(a) A nonrefundable filing fee of $1,000 and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110.

(b) Proof of compliance with NRS 616B.353.

(c) Proof that the association or its third-party administrator is licensed or otherwise authorized to conduct business in this State pursuant to title 57 of NRS.

(d) A copy of the agreements entered into with the association's administrator and a third-party administrator.

(e) A copy of the bylaws of the association.

(f) A copy of an agreement jointly and severally binding the association and each member of the association to secure the payment of all compensation due pursuant to chapters 616A to 617, inclusive, of NRS.

(g) A pro forma financial statement prepared by an independent certified public accountant in accordance with generally accepted accounting principles that shows the financial ability of the association to pay all compensation due pursuant to chapters 616A to 617, inclusive, of NRS.

(h) A reviewed financial statement prepared by an independent certified public accountant for each proposed member of the association or evidence of the ability of the association or its proposed members to provide a solvency bond pursuant to subsection 3 of NRS 616B.353.

(i) Proof that each member of the association will make the initial payment to the association required pursuant to NRS 616B.416 on a date specified by the Commissioner. The payment shall be deemed to be a part of the assessment required to be paid by each member for the first year of self-insurance if certification is issued to the association.

6. Except as otherwise provided in NRS 239.0115, any financial information relating to a member of an association received by the Commissioner pursuant to the provisions of this section is confidential and must not be disclosed.

7. For the purposes of this section, "associate member of a bona fide trade association" means a supplier whose business, as determined by the Commissioner:

(a) Is limited to a specific industry; and

(b) Primarily involves providing a product or service that is directly used or consumed by substantially all of the members of the trade association or bears a direct relationship to the business of the members of the association.

(Added to NRS by 1993, 669; A 1995, 1978; 2007, 2128; 2009, 1828)

NRS 618.336 Record and logbook of complaints received from employees: Maintenance; contents; accessibility; retention.

1. The Division shall maintain a record of all oral complaints it receives under this chapter from employees or representatives of employees. The record must include a summary of the substance of each such complaint, a listing of any evidence offered to support the complaint, the date the employer was notified of the complaint and a notation of the action taken by the Division as a result of the complaint. The Division shall submit the record quarterly to the Advisory Council of the Division for review and comment.

2. In addition to the records maintained pursuant to subsection 1, the Division shall maintain a separate logbook which contains a notation of:

(a) Each oral or written complaint filed by an employee or a representative of employees alleging the existence of an imminent danger or a violation of a safety or health standard that threatens physical harm;

(b) The action taken by the Division in response to each such complaint, including, as the case may be, a notation of the fact that:

(1) A special investigation was not made because the complaint was found to be groundless after a preliminary investigation;

(2) A special investigation was made which resulted in a finding that the complaint was based on reasonable grounds and the Division took such action as was deemed appropriate; or

(3) A special investigation was made which resulted in a finding that the complaint was not based on reasonable grounds;

(c) Each citation issued by the Division to an employer and the reason for its issuance;

(d) Each inspection performed regarding the employer; and

(e) Each penalty imposed by the Division on an employer and the reason therefor.

3. The Division shall respond to oral or written requests about the information contained in or compiled from the logbook and otherwise act as necessary to disseminate the information which is required to be compiled pursuant to this section. The logbook maintained pursuant to subsection 2 must be open to public inspection during the Division's regular hours of operation.

4. The Division shall retain the records pertaining to its investigations and the records entered in the logbook maintained pursuant to this section for at least 5 years.

(Added to NRS by 1989, 467; A 1993, 1880)

NRS 618.341 Records of Division: Public inspection; copying; confidentiality; exception.

1. Except as otherwise provided in this section, the public may inspect all records of the Division which contain information regarding:

(a) An oral or written complaint filed by an employee or a representative of employees alleging the existence of an imminent danger or a violation of a safety or health standard that threatens physical harm;

(b) The manner in which the Division acted on any such complaint;

(c) Any citation issued by the Division to an employer and the reason for its issuance; and

(d) Any penalty imposed by the Division on an employer and the reason therefor.

2. The Division shall, upon oral or written request and payment of any applicable charges, provide to any person a copy of any record of the Division which is open to public inspection pursuant to subsection 1. The first six pages reproduced pursuant to each such request must be provided without charge. The charge for each additional page copied must not exceed the cost of reproduction.

3. Except as otherwise provided in subsection 4 and NRS 239.0115, the Division shall keep confidential:

(a) The name of any employee who filed any complaint against an employer or who made any statement to the Division concerning an employer; and

(b) Any information which is part of a current investigation by the Division, but the fact that an investigation is being conducted is public information.

➥ As used in this subsection, "current investigation" means any investigation conducted before the issuance of a citation or notice of violation or, if no citation or notice of violation is issued, an investigation which is not closed.

4. The Division shall, upon the receipt of a written request from a law enforcement agency, disclose otherwise confidential information to that law enforcement agency for the limited purpose of pursuing a criminal investigation.

(Added to NRS by 1989, 468; A 1999, 1856; 2007, 2129)

NRS 618.370 Access by employees, former employees and their representatives to records of employers; charge for copies.

1. Employees, former employees and representatives of employees or former employees are entitled to access to any records in the possession of their employers or former employers which indicate their exposure to toxic materials or harmful physical agents. Employers and former employers shall, upon request, provide copies of the records to the employees, former employees or representatives within 72 hours after receipt of the request.

2. If a copy of a record is provided pursuant to this section, the first six pages reproduced pursuant to the request must be provided without charge. The charge for each additional page copied must not exceed the cost of reproduction.

3. For the purposes of this section, "representative of an employee or former employee" means:

(a) A person previously identified to the Division as an authorized representative of the employee bargaining unit of a labor organization which has a collective bargaining relationship with the employer and represents the affected employees.

(b) An attorney acting for an affected employee or former employee.

(c) The spouse, parent or child of an affected employee or former employee.

(d) Any person designated by a court to act as the official representative for the estate of an affected employee or former employee.

(Added to NRS by 1975, 775; A 1981, 1511; 1989, 469)

NRS 618.425 Request for investigation; confidentiality; investigation by Division.

1. Any employee, representative of employees, provider of health care or governmental officer or employee whose primary duty is to ensure public safety, including a building inspector, building official or other similar authority, believing that a violation of a safety or health standard exists that threatens physical harm, or that an imminent danger exists, may request an investigation by giving notice, orally or in writing, to the Administrator or the Administrator's representative of the violation or danger.

2. The person giving the notice must state with reasonable particularity the grounds for the notice. Except as otherwise provided in NRS 239.0115, the name of any employee giving a complaint notice or names of employees mentioned in the complaint must be held confidential. If the complaint is given orally, the Division shall send to the complainant a form upon which the complainant may supplement his or her oral complaint. The failure of the complainant to return the form does not affect the Division's duty to act pursuant to this section.

3. If upon receipt of the notification the Division determines that there are reasonable grounds to believe that a violation or imminent danger exists, it shall make a special investigation within 14 days unless there is a substantial probability that death or serious physical harm could result from the violation or danger, then the investigation must be made immediately after the Administrator receives the notice to determine whether a violation or imminent danger exists. The Division need not investigate a complaint within the times required by this subsection if, from the facts stated in the complaint, the Administrator determines that the complaint is intended solely to harass the employer. If the Division determines that there are no reasonable grounds to believe that a violation or imminent danger exists, it shall notify the employees or other person who gave the notice of such determination within 14 days after the Administrator receives the notice.

(Added to NRS by 1973, 1017; A 1975, 770; 1981, 1511; 1989, 470; 2001, 1252; 2007, 2129)

NAC 616D.056 Papers and documents. (NRS 616A.400, 616D.050)

1. Papers and documents filed pursuant to NAC 616D.009 to 616D.075, inclusive, need not conform to any particular format.

2. All papers and documents, and copies thereof, must be legible.

3. A party shall furnish to the counsel for any other party to the proceeding, or directly to the other party if he or she is not represented by counsel, copies of all papers and documents served upon any party or filed with the Administrator.

4. Papers and documents offered as evidence, except for good cause shown, must not be marked with highlighting, underlining, annotations or any other device that serves to draw attention to one part of the document over another part or one document over another document or to comment on the contents of the document.

5. The Administrator may seal the record or require any party to the proceeding to redact confidential information from submitted papers and documents, including, without limitation, the name, address and social security number of the injured employee.

(Added to NAC by Div. of Industrial Relations by R092-98, eff. 12-18-98)

NAC 618.6449 Trade secrets. (NRS 618.295**)** If, during the conference at the beginning of an inspection, the employer identifies areas in the establishment which contain or might reveal a trade secret, the inspector shall label any information obtained in those areas, including negatives and prints of photographs and environmental samples, as "confidential-trade secrets" and shall not disclose the information except in accordance with NRS 618.365.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.764 Confidential information. (NRS 618.295**)**

1. Upon application by any person, in a proceeding where trade secrets or other matters may be divulged, the confidentiality of which is protected by the act, the Board will issue such orders as may be appropriate to protect the confidentiality of these matters.

2. An interlocutory appeal from an adverse ruling under this section will be granted as a right.

[Dep't of Occupational Safety & Health, Rule No. 11, eff. 11-9-73]