

Policy: When the agency receives a request for a public record document(s), it shall be the policy of the Nevada Department of Health and Human Services (DHHS) to comply with all such requests for copies of information by members of the public, media, and state and federal government officials. Per Nevada Revised Statutes 239, all such requests should be handled as expeditiously as possible.

Overview:

- Per Senate Bill 123 (2007 session), which will ultimately be incorporated into NRS 239, upon receipt of a written request to *inspect or copy* a public book or record, the Nevada Department of Health and Human Services (DHHS) will comply with any such request within 5 business days.
- Per NAC 284.718 personnel-related documents are not considered public records. Per NRS 439C.140, 120, and 210, emergency response plans are also not considered public documents. Information deemed confidential under the Health Insurance Portability and Accountability Act (HIPAA) is not a public record. Further, any personal identifying information, **including social security numbers, MUST** be redacted when making copies of public record documents.
- A state agency is not required, nor is it obligated, to comply with a request for information that is not compiled or tracked as a standard procedure of the agency, or that is compiled or tracked in a different way by the agency. Further, the agency is not obligated to create new materials to comply with a public record document request.
- As a note, the Freedom of Information Act is a federal law and does NOT apply to state government entities. You may have a member of the media or a constituent refer to the Freedom of Information Act as the basis for their request to be fulfilled, but that is not applicable to state government records.

Purpose: To clarify the circumstances and process for providing copies of information to various entities following specific timeframes and requirements.

Procedures:

- I. Upon receipt of a written request to inspect or copy a public book or record, the Division agency must immediately refer such a request for information to the Division Administrator or Deputy Administrator. The Division agency shall not respond to request to inspect or copy a public book or record other than to forward the request to Division administration.
- II. The following procedures are the responsibility of Division Central Office only:

- A. When a request for information is made by a legislator, state or federal government official, or by a member of the media, the Director's Office Public Information Officer (PIO) and the appropriate Deputy Attorney General for the Division should be notified as quickly as possible. The PIO will notify the Director and any other appropriate DHHS employees of such a request. Notification should include expected timeline for completion of request or any problems associated with the request.
1. All requests by a legislator or a state/federal government official should be completed as expeditiously as possible. As quickly as possible, notify the legislator or government official via phone or email of the expected time for completion of the request.
 2. A request by a member of the media should be completed in a timely manner, keeping in mind the five day rule associated with NRS 239. After receiving the request, notify the reporter via phone or email of the expected time for completion of the request.
 3. A request by a member of the public should be completed within a reasonable period of time, keeping in mind the five day rule associated with NRS 239. Notify the requester via phone or email of the expected time for completion of the request and of any applicable costs that may be associated with the request (see *Public Information Requests Policy*).
- B. Applicable charges and fees:
1. No charges related to requests for public record documents by a legislator or a state/federal government official will be assessed by any DHHS Division.
 2. Unless the request by a member of the media is more than 50 pages, no charges or fees will be assessed by any DHHS Division. In accordance with NRS 239.055, a fee of 15 cents per page will be assessed for all requests of more than 50 pages of documents. All documents are reproduced in single-sided, black and white, format. **NOTE:** This fee may also be waived if approved by the Director or appropriate Administrator.
 3. All DHHS Divisions will not charge a fee for printed copies of public record documents requests by a member of the public that are less than 50 pages. In accordance with NRS 239.055, **a fee of 15 cents per page will be assessed for all requests of more than 50 pages of documents.** All documents are reproduced in single-sided, black and white, format.
 4. In accordance with NRS 629.061, **requests for copies of medical records may be assessed at not more than 60 cents per page**, beginning with the first page being copied.

5. The requestor may be charged a fee of \$19 per hour for staff time needed to print or copy the requested information.
6. The requestor may also be charged a fee for delivery of the requested information via regular mail or via FedEx or other similar shipping services, as assessed by the delivery agent.
7. If a fee is to be assessed, the requestor must be notified immediately. Once the fee has been determined, the requestor must remit a money order for the entire amount, payable to "DHHS-Director's Office," prior to the completion of the request. If the actual fee is less than anticipated, as quickly as possible, the requestor will be mailed a check for the balance.
8. In all circumstances where a billing for fees is either determined but not completed due to the requestor aborting the request, or if an actual billing does occur, a detailed, written record of the work—including who completed the request, how many pages were copied, when the work was performed and completed, and when and how the information was transmitted—must be sent to the Director's Office PIO.

C. Completing a request for public record document(s):

1. Once the Division has completed a request for information or copies from a legislator, government official, or a member of the media, the Division must notify the Director's Office PIO as soon as possible.
2. If a copy and/or delivery fee is being assessed due to the volume of the request for information, the Division complying with the request should be sure a money order made payable to "DHHS-Director's Office" has been received by the Accounting Division within the Director's Office before complying with the request.

III. Notification of the completion of a public record document(s) request:

- A. Upon completion of any request for a public record document, the DHHS Director, the Director's Office PIO, and the Division Administrator should be notified via email.



Administrator

Effective Date: 10/1/07

Date Revised:

Date Approved by MHDS Commission: 11/30/07