

## Nebraska – State Public Record Laws

<b>Citations</b>	<p>Neb. Rev. Stat. § 84-712 – 84-712.09  <a href="http://nebraskalegislature.gov/laws/statutes.php?statute=s8407012000">http://nebraskalegislature.gov/laws/statutes.php?statute=s8407012000</a>)</p>
<b>Exemptions to Disclosure</b>	<p>Exceptions to disclosure include:</p> <ul style="list-style-type: none"> <li>• Trade secrets</li> <li>• Work product (litigation, labor negotiations, claims, confidential communications, etc.)</li> <li>• Personally identified private citizen account info, confidential info, etc. w/ respect to public utilities</li> <li>• The law provides protection for “[t]rade secrets, academic and scientific research work which is in progress and unpublished, and other proprietary or commercial information which if released would give advantage to business competitors and serve no public purpose.” (Neb. Rev. Stat. § 84-712 – 84-712.09)</li> </ul>
<b>Access Rights</b>	<ul style="list-style-type: none"> <li>• All citizens and other persons</li> <li>• Can inspect and, if using own equipment, make copies, free of charge</li> <li>• Ordinary business hours</li> <li>• Either at premises or at mutually agreed location</li> <li>• Custodian must provide location on internet to requestor if record is available online</li> <li>• If requestor lacks reasonable access to internet, computer, etc., then custodian must produce copies for requestor</li> <li>• Fee may be charged if custodian has to make the copies, up to actual cost of making the copies available – which amounts to the additional cost for the copy, not the cost of purchasing the machine (just for the paper, toner, computer run time, etc. that was used in producing the copy)</li> <li>• Charge cannot include existing salary or pay obligations to the public officers or employees for the first 4 cumulative hours of searching, identifying, physically redacting, or copying; fee is permitted beyond 4 hours only because such a large request may cause some delay or disruption of other responsibilities of custodian. Fee cannot include charge for custodian having an attorney look to see if any of the requested records may be able to be withheld from public access</li> <li>• Fees for electronic access through a portal must be approved of</li> <li>• Written request</li> <li>• Response due w/in no more than 4 business days, including estimated cost of copies</li> <li>• If response is denial, must have info stating legal basis for denial, name of individual person responsible for decision to deny request, and notice to requestor of any rights of review; denial must be kept on file and available to any person upon request</li> <li>• If entire request can’t in good faith be completed w/in 4 business days, response w/in that time must include written explanation and earliest practicable date for completion, estimate of costs, and opportunity for requestor to modify or prioritize items w/in request. Requestor has 10 business days to review request, negotiate w/ custodian to simplify or narrow it, or withdraw it; if requestor fails to respond w/in that time, custodian will not proceed to fulfill the request. The 4 business days start following the day the request is received</li> <li>• No charge for certified copies if requestor is claimant before U.S. Dept of Veterans Affairs</li> <li>• Requestor denied access can either file for speedy relief by writ of mandamus in district court, or petition Attorney General to review and determine whether entitled to</li> </ul>

	<p>disclosure and/or custodian has otherwise failed to comply with law (fees, etc.) – determination by AG w/in 15 calendar days of submission of petition; if AG agrees should be disclosed/custodian otherwise is in violation and refuses to comply with AG, requestor can then choose either to bring suit in trial court or demand in writing that AG bring suit in name of the State for same purpose (which AG will do w/in 15 calendar days of receipt of such demand); requestor has absolute right to intervene as full party in suit at any time. Court can view the records in camera prior to making decision; burden is on public body to sustain its action.</p> <ul style="list-style-type: none"> <li>• Any violations subject the violating official to removal or impeachment and deem him/her guilty of a Class III misdemeanor</li> <li>• Pretty liberally construed, states that whenever any “state, county, or political subdivision fiscal records, audit, warrant, voucher, invoice, purchase order, requisition, payroll, check, receipt, or other record of receipt, cash, or expenditure involving public funds is involved” the citizens of Nebraska have the full right to know and gain access to the info. on the public finances of the government and the related state entities created to serve them. R.R.S. Neb. § 84-712.01</li> </ul>
<b>Destruction of Public Records</b>	<ul style="list-style-type: none"> <li>• Each agency head is authorized to dispose of records in accordance with retention and disposition schedules which have been approved by administrator, and must report any disposition to the administrator [84-1212.02]; each schedule must be submitted by administrator to State Archivist for approval by State Archivist before administrator can approve [84-1212.01]</li> </ul>