

# Standard Administrative Policy and Procedure

**Subject:** Public Records Requests

**Number:**1

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## I. PURPOSE

The Legislature of the State of Nebraska enacted the Nebraska Public Records Act (Neb. Rev. Stat. §§ 84-712 through 84-712.09 to provide for an express right for citizens and interested parties persons to obtain copies of public records. Under this statute, it was intended that all public records of the state, its counties, and other political subdivisions should be open to inspection, except where the Legislature has otherwise provided that the record shall be kept confidential. The purpose of the Act is to promote disclosure and not secrecy in the workings of government.

## II. DEFINITIONS

**City, Municipal Corporation, Municipality or Political Subdivision:** North Platte, Lincoln County, Nebraska

**Custodian:** The person designated as required by Neb. Rev. Stat. 84-712 through 84-712.09 or that person's designee.

**Public Records:** Except when any other statute expressly provides that particular information or records shall not be made public, public records shall include all records and documents, regardless of physical form, of or belonging to this state, any county, city, village, political subdivision, or tax supported district in this state, or any agency, branch, department, board, bureau, commission, council subunit, or committee of any of the foregoing. Data which is a public record in its original form shall remain a public record when maintained in computer files.

Neb. Rev. Stat. 84-712.01

**Requestor:** The person or entity that is submitting the Public Records request.

## III. POLICY

The City of North Platte is subject to the Nebraska Public Records Act, and the City will comply with Nebraska law regarding disclosure of any responsive records, including reviewing for any applicable exemptions to disclosure. The law does not require the City to create or compile a record which does not exist at the time of the request. The following document outlines the procedures for requesting Public Records, including when a fee may be charged related to a Public Records request.

#### **IV. PROCEDURES FOR SUBMITTING A PUBLIC RECORDS REQUEST**

##### **A. Submitting a Request**

Requests for Public Records should be submitted in writing (if possible) to the Designated Public Records Custodian:

1. All requests for Public Records, including requests from the media and general records requests shall be submitted to:

**North Platte City Hall  
Attn: City Clerk  
211 West 3<sup>rd</sup> Street  
North Platte, NE 69101**

To make a request by email: **info@ci.north-platte.ne.us**

To make a request via telephone, please call: **308-535-6724 Ext. 3213**

2. Requests for Police Reports: **North Platte Police Department  
(308) 535-6789**

##### **B. Notification That Request Has Been Received**

The City of North Platte will notify the Requestor of the acknowledgment of the receipt of the request within four (4) business days after receiving the request. The notification, in accordance with the law, will include an estimated cost of the copies and one of following three things:

1. The Custodian may provide the Requestor with access to the record or copies of the record, if copying equipment is reasonably available.
2. If there is a legal basis for denial of the access to or copies of the record, the Custodian may provide the Requestor with a written denial of the records request together with the information required pursuant to Neb. Rev. Stat. § 84-712.04.
3. The Custodian may provide the Requestor with a written explanation of delay if the entire records request cannot, with reasonable good faith efforts, be fulfilled within four (4) business days after actual receipt of the written request due to significant difficulty or the extensiveness of the request.

### **C. Requestor Response Time Period**

The Requestor has ten (10) business days to review the estimated costs for copies and to request the custodian to fulfill the original request, negotiate with the custodian to narrow or simplify the request, or withdraw the request.

### **D. Time Period for City to Respond**

1. Upon receiving a Public Records request, the Custodian will work with the department or unit that houses the potentially responsive records to determine the estimated time it will take to compile and review the records, and whether a fee will be charged. Once that is complete, the City will send the notification to the Requestor as described above.
2. Pursuant to the Nebraska Public Records Act, the City will release any responsive records within four (4) business days from the date of acknowledged receipt unless good cause exists to prevent the release of responsive records within that time frame.
3. Good cause includes consideration of whether the records are privileged or confidential by law or whether release of the records impairs or impedes the governmental entity's ability to discharge its other duties, such as complexity and volume of the request and delay in payment of fees.
4. If good cause exists to prevent the release of records within four (4) business days, the records will be released on a date that is mutually agreed upon by the City of North Platte and the Requestor.
5. If a fee is to be charged (See Section V) and the Custodian's estimated cost for compiling the records is greater than fifty dollars (\$50.00), the City will only begin the process of compiling and reviewing the records when a one-half (1/2) deposit has been paid by the Requestor. A delay in payment of the fee may cause a delay in the release of the records.

### **E. Time Period to Close Out Request if Requestor Does Not Respond**

If the Requestor does not respond to the Custodian within ten (10) business days, the Custodian shall not proceed to fulfill the request.

## **V. FEES**

### **A. Reasonable Production and Construction Costs for Public Records Requests**

Pursuant to the Nebraska Public Records Statute (Neb. Rev. Stat. 84-712.01), the City of North Platte charges Requestors for reasonable production and construction costs if the Custodian estimates the timeframe for compiling the request to be greater than four (4) man-hours.

#### **1. Fees for Public Records requests are as follows:**

- a. \$15.50/hour for clerical staff time
- b. \$30.00/hour for information technology staff time
- c. \$40.00/hour for professional staff time
- d. Actual cost of programming and computer services
- e. Photographic copies will be twenty cents (\$0.25) per page

#### **2. The Requestor will be charged only if the amount of the reasonable production and construction costs exceeds \$50.00.**

### **B. Process for Determining Reasonable Production and Construction Costs**

- 1. Prior to processing the Public Records request, the City Administrator will work with the relevant City department(s) or unit(s) to determine whether the estimated time to be spent reviewing and responding to the request will cause the reasonable production and construction costs to exceed \$50.00. If so, the Requestor will receive an invoice with the estimated reasonable production and construction costs of the request.**
- 2. If estimated production and construction costs exceed fifty dollars (\$50.00) A deposit equal to one-half (1/2) the estimated cost must be received before the request will be processed. As stated above, a delay in payment of the fee may result in a delay in the release of the records. In that situation, the City will contact the Requestor to determine an agreed upon date to release the records.**
- 3. If the request takes less time than estimated, the Requestor will receive a refund for the amount of money that was unused.**
- 4. If the request takes more time than estimated, the Requestor will receive the responsive records to that point and a separate invoice with the estimated cost for the completion of the request. Payment must be received before the Custodian will continue processing the request.**
- 5. Requestors will not be allowed to avoid the charge by using multiple records requests.**