Government Members' Recommendation:

Request that the Nevada Legislature Consider Legislation Adopting a Uniform Definition of Personally Identifying Information

Current confidentiality provisions are scattered across many chapters and use inconsistent terms. For example, with regard to personally identifying information, NRS 239.0105 states that "records containing the name, address, telephone number or other identifying information of a natural person" are confidential but only if the information is contained in a record related to the use of a recreational facility or enrolling a minor in a recreational activity. Nonetheless, those limited records are not confidential to certain individuals including a reporter or editorial employee, or if over 30 years old. *See* NRS 239.0105 (2). Similarly, NRS 603A.040 protects social security numbers, driver license numbers, certain account numbers, medical identification numbers, and user names from disclosure. Finally, NRS 239.014 protects certain personally identifiable information collected electronically when an agency determines that disclosure could produce negative consequences. However, this applies specifically to information collected from the public by automated means over the internet or other digital network. It is not a comprehensive definition protecting disclosure of personally identifying information for all public records. All of these provisions combine to demonstrate a legislative acknowledgement that personally identifying information is sensitive to misuse and should be protected, yet the law remains limited and inconsistent.

Legislators should consider defining a limited category directly in NRS Chapter 239 to include vulnerable data such as: social security numbers, Tax ID numbers, financial account numbers, authentication credentials, security questions, full dates of birth, personal email addresses, telephone numbers, medical-biometric-genetic information, precise geolocation data, and information identifying protected victims, minors, or people with confidential addresses. The statute should expressly provide that the definition does not conceal information necessary to evaluate government expenditures, public compensation, contracts and vendors, official decisions and votes, lobbying and campaign activity, conflicts of interest, licensing, government findings or misconduct.