

PUBLIC RECORDS TASK FORCE FINAL REPORT DRAFT

**Public Records Task Force
State of Nevada**

Submitted to: Director, Legislative Counsel Bureau

For Transmittal to:

- Joint Interim Standing Committee on Government Affairs
- Senate Standing Committee on Government Affairs
- Assembly Standing Committee on Government Affairs

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Executive Summary

Assembly Bill 128 of the 2025 Nevada Legislative Session, created the Public Records Task Force is comprised of ten individuals. Five members are labeled transparency advocates and five are labeled government representatives and are employed by governmental entities in Nevada. All members share a commitment to carefully evaluate Nevada public records law and to evaluate and make recommendations for improvement.

Task Force Members:

- Benjamin Z. Lipman, Las Vegas Review-Journal (Transparency Advocate)
- Brittany L. Walker, City of Boulder City (Government Representative)
- Colleen E. McCarty, Ballard Spahr (Transparency Advocate)
- Kalie Work Washoe, County (Government Representative)
- Joshua J. Hicks, McDonald Carrano (Transparency Advocate)
- Leslie M. Nino Piro, Office of the Attorney General (Government Representative)
- Mitch Fox, Nevada Broadcasters Association (Transparency Advocate)
- Matthew C. Morris, Holland & Hart, LLP (Transparency Advocate)
- Matthew J. Christian, Las Vegas Metropolitan Police Dep't. (Government Representative)
- Staci Lindberg, Lyon County (Government Representative)

As part of its work, the Task Force heard presentations and considered recommendations from a variety of public and private sector stakeholders. Through that process, several themes became

evident. These are described below through the lens of the stakeholders who have raised the concerns.

Transparency Advocate Concerns

- Timeliness of responses to public records requests.
- Governmental misinterpretation of the public records law to support a denial of public records requests.
- Inconsistent treatment of public records requests by various state and local agencies.
- Inconsistent treatment of legal issues arising in public records request litigation by the courts.

Governmental Representative Concerns

- Overly broad and unduly burdensome public records requests, exacerbated by the use of Artificial Intelligence.
- Need to protect personal information and privacy interests.
- Balancing the interests of public records request during an active criminal investigation, particularly when a victim(s) or witness(es) are involved.
- Lack of technological resources or staffing to respond to public records requests within five days.
- Lack of statutory updates to reflect modern changes to records practices.

1. Introduction

1.1 Legislative Mandate

The Public Records Task Force (PRTF) was created by [Assembly Bill 128](#), 2025 Nev. Stat. 1416 - 19, ch. 228. The purpose of this Task Force is to evaluate certain topics relating to requests for public records and make certain recommendations. The bill also: (1) prescribes the membership and duties of the Task Force; and (2) requires the Task Force to submit a written report describing its work and recommendations for transmittal to the Joint Interim Standing Committee on Government Affairs and the Senate and Assembly Standing Committees on Government Affairs for the 84th Session of the Legislature. *Id.*

1.2 Objectives

The Task Force was charged with evaluating:

- Current exemptions to the Nevada Public Records Act, NRS Chapter 239 (“NPRA”)
- Policies relating to public records of review boards established under NRS 289.380 and 289.383
- The impact of broad public records requests on governmental entities
- The cost, burden, and time constraints associated with redaction
- The financial burden on persons requesting public records
- Mechanisms for resolving disputes, including mediation and alternative dispute resolution
- Methods for collecting and sharing data related to public records requests

Id. at § 7. The Task Force was further directed to make recommendations addressing these areas:

- To clarify the custodianship and control of public records;
- To protect sensitive information while promoting government transparency;
- To identify situations in which access to public records should be granted or denied;
- For penalties to impose against governmental entities for providing delayed or incomplete responses to a request for public records;
- For protocols to protect personal information and criminal investigations;
- For a standardized fee schedule; and
- For mechanisms to protect governmental entities from retaliatory litigation.

Id.

1.3 Methodology

Following member appointments in the fall of 2025, the Task Force held its first meeting on February 26, 2026, at City Hall in Boulder City. Members attended in-person and virtually. At its first meeting, the Task Force received in-person and written public comments, unanimously elected a Chair and Vice Chair, approved a Task Force webpage hosted by the Office of the Attorney General, and discussed potential topics to be considered at future meetings.

The Task Force webpage includes meeting minutes, meeting agendas, and presentation materials accessible online at https://ag.nv.gov/Hot_Topics/Public_Records_Task_Force/. The Task Force held its second meeting on April 27, 2026, at Washoe County Commission Chambers

in Reno. Members attended in-person and virtually. The Task Force received multiple written public comment submissions which are included in the supporting materials attached to this status report. Given changes in membership that occurred following the first meeting, the Task Force unanimously selected a new Chair and Vice Chair.

At its second meeting, the Task Force received a presentation from Warren Hardy, representing Warren Hardy Strategies, on behalf of the Urban Consortium. In the presentation, Mr. Hardy testified that ambiguity in current legislation leads to inconsistent decisions and there is a need for a dispute resolution process outside of litigation, and Mr. Hardy discussed commercial requests and monetization, and possible risks associated with Artificial Intelligence. The presentation stated, in particular, that “the volume of some requests consumes disproportionate staff time and should be more specific,” among other observations and recommendations for legislative action.

The Task Force also received a presentation from City of Las Vegas Chief Deputy City Clerk Pat Cabrera, on behalf of the Nevada Municipal Clerks’ Association. The presentation addressed topics including burdens on public agencies associated with the redaction process, the impacts of what they see as overly broad records requests, risks associated with sensitive information disclosure, claims of vexatious requestors, fee structure challenges and payment gaps, suggested governance opportunities and related recommendations for legislative action. The presentation also addressed the use of NPRA by litigants to obtain records outside the discovery process and practical challenges associated with NPRA’s response timeline, among other assertions.

Finally, the Task Force addressed the request for a status presentation to the Joint Interim Standing Committee on Government Affairs, considered the structure of the final report to the Legislature, selected additional Task Force Meeting Dates and Locations, and addressed related administrative and housekeeping items.

The Task Force held its third meeting on June 8, 2026, at the Clark County Commission Chambers in Las Vegas. Members attended in-person and virtually. The Task Force received multiple written and in-person public comment submissions, which are included in the supporting materials attached to this status report. During its third meeting, the Task Force received a presentation from Mr. Glenn Cook, Executive Editor for the *Las Vegas Review-Journal*. In the presentation, Mr. Cook provided his observation that “governments routinely deny requests for information that is public,” and emphasized that transparency “is an essential function of government.” The presentation addressed rights of records requestors, costs associated with producing public records, and a variety of challenges that he said present hurdles to requestors seeking access to public information, among other observations. The presentation noted specific examples involving investigative journalism being “stymied by public records

denials,” as well as specific examples involving “investigative stories completed thanks to access to public records.” The presentation concluded with specific recommendations for reforms to the NPRA statute.

The Task Force also received a presentation from Dr. Bob Conrad, representing the publication *This is Reno* and the Nevada Open Government Coalition. The presentation addressed topics including case studies involving allegations of improperly withheld records by various government entities, the improper use of prolonged delays and failure to meet deadlines, and related observations. The presentation concluded that “public records litigation occurs because records are frequently denied and mishandled, not because of lack of NPRA clarity,” and proposed various recommendations for legislative action.

Additionally, the Task Force received a presentation from Attorney Luke Busby, which noted challenges presented when public agencies’ fail to timely respond to NPRA requests, when responses lack sufficient substance, and the perceived lack of clear statutory procedures for challenging a denied records request, among other topics. The presentation also included a “critique” of the Urban Consortium’s and Municipal Clerks’ Association presentations that had been given during the April 27, 2026, meeting.

The Task Force also received a presentation from the Electronic Frontier Foundation (“EFF”), which addressed topics including UNR’s 1-credit journalism course on public records requests and related case studies involving withheld records. EFF’s presentation highlighted positive examples with Washoe County’s Northern Nevada Public Health district’s timely responses to public records requests, and negative examples involving the Nevada Secretary of State Office’s responses to public records requests, among other examples. Finally, the Task Force received a presentation from Washoe County Deputy District Attorney Lindsay Liddell. Ms. Liddell’s presentation addressed topics including the asserted need to protect victims’ rights and fair trials, and balancing transparency concerns with avoiding exploitation of victims and witnesses, among other topics. The presentation also discussed topics relating to Marsy’s Law, Nev. Const. Art. 1, Sec. 8A, including the Nevada Constitution’s protections for a victim’s right to be treated with fairness and respect for privacy and dignity, with emphasis on a case study involving the State of Idaho.

2. Overview of Nevada Public Records Law

2.1 Summary of Chapter 239 of NRS

The Nevada Public Records Act (“NPRA”), NRS Chapter 239, governs public access to government records generally. Under the NPRA, “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.” [NRS 239.010\(1\)](#).

2.2 Purpose and Principles of Public Records Law

The NPRA requires governmental entities to make available to the public upon request any public records within their legal custody or control so as to “foster democratic principles.” NRS 239.001(1); *see also Reno Newspapers, Inc. v. Gibbons*, 127 Nev. 873, 878, 266 P.3d 623, 626 (2011) (“[T]he provisions of the NPRA ... promote government transparency and accountability.”).

Public records include any book or record of a governmental entity unless declared confidential by law. NRS 239.010(1). Records qualify as confidential and exempt from disclosure only to the extent that either one of the two apply:

1. A specific statutory exemption; or
2. A specific caselaw exemption.

See Gibbons, 127 Nev. at 880, 266 P.3d at 628 (explaining that limitations on disclosure may be based on “a statutory provision” or “a broad balancing of the interests involved”).

The NPRA imposes several obligations on governmental entities in responding to requests for public records. Upon receipt of a request for records, a government entity must provide a response within five business days. NRS. 239.0107(1). The response must do one of the following:

1. Allow inspection or provide a copy of the record. *Id.* at (1)(a);
2. Advise the requester that the government entity does not have “legal custody or control” of the record and the name and address of the entity that does, if known. *Id.* at (1)(b).
3. If the government entity cannot provide a record within 5 days, advise the requester of that fact and provide the earliest date and time after which it is reasonably believed the record will be available. The entity must also assist the requester to focus the request so as to maximize the likelihood the requester will receive a record. *Id.* at (1)(c).
4. Deny the request if the any part of the record is confidential, and provide the legal basis for doing so. *Id.* at (1)(d)(1)-(2) (requiring entities to provide the requester with a written

denial that includes “citation to the specific statute or other legal authority that makes the public book or record, or a part thereof, confidential”).

When only portions of a record qualify ‘as confidential, a “governmental entity shall not deny a request . . . on the basis” of confidentiality “if the governmental entity can redact; delete; conceal or separate, including, without limitation, electronically, the confidential information from the [nonconfidential] information.” NRS 239.010(3).

As noted above, both statutory and case law exemptions apply. For either, Nevada courts test an entity’s “claims of confidentiality under the backdrop of the NPRA’s” important principles. *Gibbons*, 127 Nev. at 880, 266 P.3d at 628. Courts analyze claims of confidentiality “with a presumption in favor of disclosure.” *Pub. Emps. ’ Ret. Sys. of Nev. v. Reno Newspapers, Inc. (PERS)*, 129 Nev. 833, 837, 313 P.3d 221, 223-24 (2013). The governmental entity bears the burden to prove, under a preponderance standard, that the requested records qualify as confidential.” *Gibbons*, 127 Nev. at 880, 266 P.3d at 628; *see also* NRS 239.0113. The entity does not satisfy its burden by making “a non-particularized showing, or by expressing hypothetical concerns.” *Gibbons*, 127 Nev. at 880, 266 P.3d at 628 (citation omitted). Courts adhere to the NPRA’s mandate to liberally construe any provisions that facilitate access to public records; conversely, courts narrowly construe any exemptions or balancing tests that limit access to public records. NRS 239.001(2)-(3); *see also Clark Cty. Office of Coroner / Med. Exam’r v. Las Vegas Review-Journal (Coroner’s Office)*, 136 Nev. 44, 45, 458 P.3d 1048, 1050-51 (2020).

As for statutory exemptions, NRS 239.010(1) lists hundreds of statutes. The NPRA “yields to” these statutes. *Republican Attys. Gen. Assoc. v. Las Vegas Metro. Police Dep’t*, 136 Nev. 28, 34, 458 P.3d 328, 333 (2020). The list is not exhaustive. There may be statutes that provide for confidentiality found anywhere in the NRS that are not listed in NRS 239.010(1). *City of Reno v. Reno Gazette-Journal*, 119 Nev. 55, 63 P.3d 1147 (2003).

As for common law exemptions, there are two. The first is general. It requires the governmental entity to “prove that its interest in nondisclosure clearly outweighs the public’s interest in access.” *Gibbons*, 127 Nev. at 881, 266 P.3d at 628.

The second is specific to privacy interests. If the governmental entity establishes that there is a “personal privacy interest that is nontrivial or . . . more than [] de minimus,” then the burden shifts to the requester to “show that the public interest sought to be advanced is a significant one and that the information [sought] is likely to advance those interests. *Clark Cty. Sch. Dist. v. Las Vegas Review-Journal*, 134 Nev. 700, 707-08, 429 P.3d 313, 320 (2018), quoting *Cameranesi vs. U.S. Dep’t of Defense*, 856 F.3d 626 (9th Cir. 2017). The Nevada Supreme Court equates such interests with those protected by common law privacy torts, which include invasion of privacy for unreasonable intrusion upon the seclusion of another. *Id.* Privacy interests include information about medical conditions, sexual orientation, drug or alcohol addiction, and mental

illness. *Clark Cty. Office of the Coroner/Medical Exam’r vs. Las Vegas Review-Journal*, 136 Nev. 44, 56 458 P.3d 1048, 1058 (2020). Shame, embarrassment, stigma, and harassment give rise to privacy interests.

Under the NPRA, a requester can file suit in district court if a governmental entity denies or unreasonably delays a request. NRS 239.011. The court must give the matter priority. If the requester prevails, the governmental entity must pay the reasonable attorneys fees and costs incurred by the requester. *Id.* If the governmental entity willfully violates the NPRA, then additional monetary penalties apply. NRS 239.340.

[Deliberative Process Privilege]

2.3 Key Definitions and Concepts

The NPRA provides very few definitions. Instead, many terms are defined in the Nevada Administrative Code (NAC) Chapter 239. However, administrative regulations cannot modify or limit the scope of the NPRA. *Comstock Residents Ass’n v. Lyon Cty. Bd. of Comm’rs*, 134 Nev. 142, 147, 414 P.3d 318, 322 (2018); *Clark Cty. Sch. Dist. v. Las Vegas Rev.-J.*, 134 Nev. 700, 703 n.2, 429 P.3d 313, 317 n.2 (2018).

The NPRA does not define the term “public record.” However, the NPRA and NAC provide an analytical framework for determining what is a public record. For state agencies, the terms “official state record” and “record” are used synonymously and defined as:

information created or received by a state agency under authority of law, regulation or other legal mandate or in connection with the transaction of public business that is maintained by the state agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the state agency, including, without limitation, all papers, maps, photographs, financial statements, statistical tabulations, recorded media and other documentary materials, regardless of physical form or characteristics.

NAC 239.705(1).¹ Excluded from this definition is “nonrecord materials,” which includes but is not limited to:

¹ The NPRA expressly defines an “Official state record” to include, without limitation:

- (a) Papers, unpublished books, maps and photographs;
- (b) Information stored on magnetic tape or computer, laser or optical disc;
- (c) Materials that are capable of being read by a machine, including, without limitation, microforms and audio and visual materials; and

published materials printed by a governmental printer, informal notes, unused blank forms except ballots, brochures, newsletters, magazines, catalogs, price lists, drafts, convenience copies, ad hoc reports, reference materials not relating to a specific project and any other documentation that does not serve as the record of an official action of a state agency.

NAC 239.705(2).

For local government entities, “Record of a local governmental entity” or “record” means:

information that is created or received pursuant to a law or ordinance, or in connection with the transaction of the official business of any office or department of a local governmental entity, including, without limitation, all documents, papers, letters, bound ledger volumes, maps, charts, blueprints, drawings, photographs, films, newspapers received pursuant to [NRS 247.070](#), recorded media, financial statements, statistical tabulations and other documentary materials or information, regardless of physical form or characteristic.

NAC 239.101.

No statutory definition often leads to the assertion that private information that happens to be in the mere possession of a governmental entity is subject to the NPRA. For instance, an employee may email a doctor or spouse from work about a matter that does not concern governmental business. Law enforcement regularly obtains cell phones and surveillance video from privacy parties, either through their consent or via a search warrant. That property is not owned by the law enforcement agency, will likely contain private information, and does not by itself shed any light on government transparency or accountability.

3. Findings and Evaluation

3.1 Current Exemptions to Chapter 239 of NRS

There are nearly 600 statutory exemptions to NRS Chapter 239. *See* list of exemptions attached hereto as Exhibit []. The expansive scope of these exemptions is too voluminous for the PRTF

(d) Materials that are made or received by a state agency and preserved by that agency or its successor as evidence of the organization, operation, policy or any other activity of that agency or because of the information contained in the material.

NRS 239.005(6).

alone to evaluate in this short time frame and make recommended changes as the exemptions impact hundreds of private and public stakeholders including businesses entities, time shares, educational institutions, gaming, banks, medical professionals, and insurance companies. It is recommended that any changes to these exemptions be evaluated after seeking all stakeholder input. The PRTF believes that most if not all of these exemptions are necessary.

The PRTF has found in its review that many of the statutes are not clearly worded on what information is confidential and points to NRS 202.3662 as an example of a clearly worded statute that the legislature could choose to model in the future:

NRS 202.3662 Confidentiality of information about applicant for permit and permittee.

1. Except as otherwise provided in this section and [NRS 202.3665](#) and [239.0115](#):
 - (a) An application for a permit, and all information contained within that application;
 - (b) All information provided to a sheriff or obtained by a sheriff in the course of the investigation of an applicant or permittee;
 - (c) The identity of the permittee; and
 - (d) Any records regarding the suspension, restoration or revocation of a permit,
→ are confidential.
2. Any records regarding an applicant or permittee may be released to a law enforcement agency for the purpose of conducting an investigation or prosecution.
3. Statistical abstracts of data compiled by a sheriff regarding permits applied for or issued pursuant to [NRS 202.3653](#) to [202.369](#), inclusive, including, but not limited to, the number of applications received and permits issued, may be released to any person.
(Added to NRS by [1997, 1174](#); A [1999, 851](#); [2007, 2077](#); [2011, 754, 3110](#))

3.2 Policies Relating to Review Boards (NRS 289.380 & 289.383)

Under Nevada law, any municipality may create a review board to receive citizen complaints against peace officers and to make certain recommendations about whether the officer has violated policies and, if so, whether the officer should be disciplined. To the best of the Task Force's knowledge, only the City of Las Vegas and Clark County have created a review board, which is exclusively for the Las Vegas Metropolitan Police Department (LVMPD). This review

board is called the Citizen Review Board (CRB). CRB's members are volunteers. They have a limited ability to investigate claims of misconduct on their own. As such, any complaint received by the CRB is first sent to LVMPD's Internal Affairs Bureau (IAB). IAB gathers evidence, which typically includes interviews of both the officer accused of misconduct and any witness officers. Both types of officers must comply or face a claim of insubordination. Once IAB completes its investigation, if a policy has been violated, LVMPD will implement discipline according to its negotiated contracts with its collective bargaining units. IAB will also forward its investigatory file to the CRB. At that point, the CRB can initiate its own hearings and eventually issue its own findings and recommendations.

"The findings and recommendation of a panel of the review board are public records unless otherwise declared confidential by state or federal law." NRS 289.387(9). The CRB publishes their findings and recommendations, to include the name of the officer. However, there are laws that are in conflict with publishing the identities of the officers. First, the City and County have enacted ordinances requiring the CRB to maintain the confidentiality of its hearings and "all records of proceedings before the panel [of the CRB]." This would necessarily include any interviews of the subject officer or witness officers. Moreover, the CRB "shall not abridge the rights of a peace officer, school police officer, constable or deputy of a constable that are granted pursuant to a collective bargaining agreement, a contract or any federal or state statute or regulation." NRS 289.385(2). LVMPD has policies mandating confidentiality of its IAB records. The collective bargaining agreements are consistent with LVMPD policies. In addition, the Peace Officer Bill of Rights ("POBR") requires IAB investigatory files to be confidential, at least when the subject officer is not facing discipline, pursuant to NRS 289.080(9). A panel of the Nevada Supreme Court recently confirmed this (which is presently the subject of a motion for en banc reconsideration), citing the officer's due process rights under the POBR. *American Civil Liberties Union of Nevada v. Clark County Sch. Dist.*, 142 Nev. Ad. Op. 24 (Mar. 26, 2026).

Officers also have significant privacy interests under the common law. "[O]fficers d[o] not surrender their privacy interests by swearing an oath of office." *Las Vegas Metro. Police Dep't v. Las Vegas Review-Journal*, 136 Nev. 733, 478 P.3d 383 (2020) (stating that privacy interests include information that may cause "embarrassment, shame, stigma, [or] harassment" or "endangerment, or similar harm"); *Clark County Office of the Coroner/Medical Examiner v. Las Vegas Review-Journal*, 136 Nev. 44, 458 P.3d 1048 (2020) (Medical information, personnel files, details about sexual orientation, and other information about a person's life give rise to privacy interests).

Despite these rights, the Nevada Supreme Court recently held that the CRB may continue publishing officer names when they publish their findings and recommendations. *Las Vegas Police Protective Ass'n v. Las Vegas Metro. Police Dep't Citizen Review Board*, 142 Nev. Ad. Op. 55 (Aug. 20, 2026).

In light of these issues, the PRTF recommends clarifying Nevada law in a way that appropriately balances the officers' rights with the public's right to know that officers are held accountable when they violate police policy.

3.3 Impact of Broad Public Records Requests

During the Public Records Task Force meetings there were several government presenters that shared the sentiment that vague and overbroad requests unduly burden government, including the Urban Consortium, Nevada Municipal Clerks Association, Nevada Department of Transportation (NDOT), and each of the Task Force Government Representatives. Specifically, Pat Cabrera, Chief Deputy Clerk, City of Las Vegas representing the Nevada Municipal Clerks Association, a statewide organization, explained that historically records were paper based, and today records are distributed amongst various e-databases, and cloud systems. This creates millions of records that did not exist before technological advances. Documents used to have to be hand-typed and stored in a physical filing cabinet organized by a topic, or document number and were formalized. Today, much communication takes place informally over email, and each is a record, or there are databases containing millions of datapoints of information that must be produced as a record if a query can produce it as a record. As an example, a requestor might ask for "all records related to X", this now requires a labor intensive search across, email, texts, and possibly tens if not hundreds of databases to search for all records that contain X to identify responsive records.

In other words, volume, complexity, and risk have increased, when expectations of the public for a timely response has not changed.

Heather Hahn from the Nevada Department of Transportation also presented about the burden of overbroad and vexatious requests, stating that these records requests severely hamper an agency's ability to respond to all records requests. Vexatious requesters intentionally ask for broad, excessive, and repetitive records in an effort to overwhelm agencies known at the federal level as FOIA bombing. Between 2023 and 2025 NDOT experienced a 33% increase in records requests. NDOT projects 1680 requests in 2026 which represents 56% increase over 4 years without additional staffing or resources. Ms. Hahn testified that more and more requests appear to be written by AI where the approach is an over-broad format.

[Insert information from survey data]

As Ms. Cabrera said, this is not about denying access but making requests workable. Allowing time for a scoping phase, establishing a format and required information for requesters, and establishing consistent and standardized reasonable charges for staff time would all assist local governments with responses to overbroad requests.

3.4 Cost, Burden, and Time Constraints for Redaction

As explained above, Nevada law provides nearly 600 express statutory confidentiality provisions for public records, in addition to Fourth Amendment privacy interests, legal privileges, and personally identifying information that can be contained in government records, creating competing obligations for governmental entities. Release of private information can subject a government entity to liability, can cause a person reputational harm, and undermines the public trust. A recent example of a new law passed, in 2025, AB 197 bars state governmental entities from releasing information about donors to 501(c)(3) non-profits to the public or to other agencies, except in specific cases. NRS 239B.027. While there is no dispute that this noble legislation protects privacy interests, it creates a private right of action for a person to sue a government entity if the government releases this information and the person is harmed, allowing for recovery of costs, damages and attorney fees. Therefore, government entities are legally obligated to review records for confidential information before they are produced.

Review and redaction is the most labor-intensive process where records are no longer single pieces of paper, but consist many times of emails where email chains are embedded in other emails, or the records are located across various databases, and in video recordings. Each of these millions of records may have confidential information in them and must be reviewed before produced in a records request. This requires manual line-by-line and frame-by-frame review. For example, Ms. Hahn with NDOT stated that over a two-year period, one requestor made 34 requests who declined to narrow the scope of any submission this required review of 200,017 documents by NDOT staff. One of those 34 requests required review of 130,000 records. NDOT estimated 8,028 staff hours was required to complete the review amounting to \$152,545 in personnel time. This example, illustrates substantial impact of requests on an agency, particularly when a requestor refuses to narrow the scope.

The greatest cost arises from staff to review for confidential information, which again is a manual review. To advance timely release, more dedicated staff, interagency, technology solutions and operational resources are required. Reputational harm and loss of public trust. Protocol, layered review, and training.

[Insert information from survey data]

3.5 Financial Burden on Requestors

- Provide fee structures
- List accessibility concerns
- Identify equity considerations

3.6 Dispute Resolution Mechanisms

Judicial intervention is the only dispute resolution mechanism presently contemplated under the NPRA for public records disputes. There are currently no alternative dispute resolution mechanisms discussed in NRS Chapter 239. The PRTF discussed multiple options for alternative dispute resolution mechanisms.

The PRTF heard a presentation from the Reporter’s Committee for Freedom of the Press which recommended an independent, impartial, and empowered ombuds-office to administratively review records requests disputes. The Reporter’s Committee pointed to Connecticut and Utah as model examples. Members of the PRTF also suggested having administrative level review within each government agency, or authorizing a state agency such as the Office of the Attorney General to review claims. In general, there was consensus that there should be alternative dispute resolution mechanisms available to requestors. Key considerations will be how the principal or members of the dispute resolution body is chosen, whether the body will have the power to compel records, and the cost to the State. The Reporter’s Committee expressed support for a government appointed principal if there are safeguards that ensure independence such as the appointment for a set term without ability to remove the principal.

Below are examples in other states:

Arizona: An independent ombudsman, a legislative agency independent of the Governor and Attorney General’s Office. See Arizona Ombudsman-Citizen’s Aide, Arizona Public Records Law Booklet (June 2025), available at <https://www.azoca.gov/wp-content/uploads/2025-Public-Records-Law-Booklet.pdf>. The Ombudsman is statutorily authorized to investigate complaints relating to public access laws, request testimony or evidence, issue subpoenas, conduct hearings, make recommendations, and report misconduct. *Id.* at 51.

Connecticut: Freedom of Information Commission (FOIC) is a public body comprised of nine members. Conn. Gen. Stat. § 1-200 *et. seq.* One member is appointed by the President Pro Tempore of the Senate, one by the Minority Leader of the Senate, one by the Speaker of the House of Representatives, and one by the Minority Leader of the House of Representatives. These members serve two-year terms. Conn. Gen. Stat. § 1-205. The remaining five members are appointed by the Governor, with the advice and consent of either house of the General Assembly to four-year terms. *Id.* The Commission handles complaints, conducts hearings, issues binding decisions, and can order agencies to release records. Conn. Gen. Stat. § 1-206.

Iowa: Public Information Board (PIPB) is an independent board consisting of nine members created specifically to oversee open meetings and records compliance. Iowa Code § 23.1 *et seq.* Members are appointed by the governor and confirmed by the senate, with representatives from media, government, and the public. Iowa Code § 23.3. Members serve four-year terms and at the

call of the chair. *Id.* Most complaint investigations are handled by IPIB’s Executive Director and staff attorneys. It investigates complaints, issues advisory opinions, and can enforce compliance, provides training and mediates disputes. Iowa Code § 23.6.

Ohio: Public Records Mediation Program (Ohio Court of Claims). Ohio essentially has a mandatory mediation for public records lawsuits that has a low fee. Ohio Rev.Code. § 2743.75; Ohio Court of Claims, Public Records Frequently Asked Questions, *available at* <https://ohiocourtclaims.gov/public-records/>. If mediation does not resolve the dispute, the complaint is assigned to a special master for a formal legal ruling. *Id.*

Oregon: Public Records Advocate & Public Records Advisory Council. The PRAC consists of twelve bipartisan public records experts representing state and local governments, the media, the public, and public sector workforce. Ore. Rev. Stat. § 192.481. Most members are appointed by the Governor with Senate confirmation. *Id.* Agency and legislative members are appointed by their respective leaders. *Id.* The PRAC then appoints an Advocate for a four-year term. O.R. S. § 192.461. The Advocate acts as a neutral mediator between agencies and requesters, reviews disputes, advises agencies, and oversees training. *Id.*

Utah: State Records Committee (recently replaced by an ombudsman). The State Records Committee was established in 1992 and consisted of volunteer members who had two purposes: reviewing retention schedules for approval and hearing record access appeals. *See* Rebecca Shaw, Division of Archives and Records Services, The State Records Committee Through the Years (May 7, 2025), *available at* <https://archives.utah.gov/2025/05/07/the-state-records-committee-through-the-years/>. In 2013, the Government Records Ombudsman was created, and in 2015, the [Open Records Portal](#) was launched which created a central place records request submissions. *Id.* In 2025, legislation replaced the Committee with a new office led by a director and staffed by an attorney housed within the Division of Archives and Records Service. *Id.*

Illinois: Public Access Counselor. Office within the Attorney General’s Office that works to ensure compliance with Illinois open meeting and public records laws. 5 Ill. Comp. Stat. § 140/9.5, *See* [Public Access Counselor](#). The Public Access Counselor mediates public records disputes, issues binding opinions, and provides training and education. *Id.*

[Limitations for Vexatious Requesters]

Tennessee: “If a person makes a request to view or copy a public record with the intent to disrupt government operations, the records custodian charged with fulfilling the request may petition a court of record of competent jurisdiction for an order to enjoin the person from making records requests. Tenn. Code Ann. § 10-7-503(a)(7)(C).

3.7 Methods for Collecting and Sharing Data Related to Public Records Requests

Currently, the NPRA does not require government entities in Nevada to collect or share data related to public records requests, such as request volume, response times, denials, or fees.² The lack of reporting is consistent with a majority of other states. However, multiple states and the federal government provide models for various types of data collection and reporting.

Texas: School districts must post the cost of responding to requests exceeding 200 pages in a 90-day period and report annually to the Texas Education Agency. V.T.C.A., Education Code § 11.1512.

Washington: To improve best practices for dissemination of public records, annual legislative reports are required for agencies with at least \$100,000 in annual staff and legal costs for records requests. Smaller agencies may voluntarily report. 15 statutory performance metrics are identified for reporting, including:

- The number of requests where the agency provided the requested records within five days of receiving the request.
- The number of requests where the agency provided a time estimate for providing responsive records beyond five days after receiving the request.
- The average and median number of days from receipt of request to the date the request is closed.
- The number of requests where the agency formally sought additional clarification from the requestor;
- The number of requests denied in full or in part and the most common reasons for denying requests;
- The number of requests abandoned by requestors;
- To the extent the information is known by the agency, requests by type of requestor, including individuals, law firms, organizations, insurers, governments, incarcerated persons, the media, anonymous requestors, current or former employees, and others;
- Which portion of requests were fulfilled electronically compared to requests fulfilled by physical records;
- The number of requests where the agency scanned physical records electronically to fulfill disclosure;
- The total estimated agency staff time spent on each individual request;

² The NPRA requires annual reporting to the Legislative Council Bureau of records deemed confidential because they contain personally identifiable information collected online. NRS 239.014.

- The estimated costs incurred by the agency in fulfilling records requests, including costs for staff compensation and legal review, and a measure of the average cost per request;
- The number of claims filed alleging a statutory violation involving the agency, categorized by type and exemption at issue, if applicable;
- The costs incurred by the agency litigating claims alleging a violation of public records statutes in the past year, including any penalties imposed on the agency;
- The costs incurred by the agency with managing and retaining records, including staff compensation and purchases of equipment, hardware, software, and services to manage and retain public records; and
- Expenses recovered by the agency from requestors for fulfilling public records requests, including any customized service charges.

West Virginia: Each public body reports the result of every request to the Secretary of State's public online database. Reporting includes the nature of the public body's response, whether the request was granted, and if not, the exemption asserted to deny the request, the time-frame was necessary to comply with the request; and the amount of reimbursement charged to the requester. W. Va. Code § 29B-1-3, § 29B-1-3a.

Indiana: Public agencies are required to coordinate with a public access counselor to track and report the volume and nature of public records requests received; and identify patterns or sources of excessive, automated, phishing related, or data scraping based public records requests. Ind. Code § 5-14-4-10. To timely identify such patterns or sources, public agencies report within seven days of receipt any public records request that is suspected by the public agency of being: (1) automated; or (2) data scraping or phishing activity.³ Ind. Code § 5-14-3-11. Notably, Indiana law permits a public agency to decline responding to a request when it suspects the request is data scraping or phishing activity, or when it suspects that responding electronically could expose its electronic systems or data to unauthorized access or alteration, or otherwise jeopardize their security. Ind. Code § 5-14-3-3.3(b).

Montana: To document the impacts and process associated with compliance with public records requests, the executive, legislative, and judicial branches report quarterly to a legislative committee the number of requests, requester identity, information requested, date, and status. Mont. Code § 5-12-209 (2025). For completed requests, the report includes compliance date,

³ Indiana law defines "data scraping" as "use of an automated system to extract data from websites and other Internet accessible sources." Ind. Code § 5-14-3-2(d). "Phishing" is defined as:

a method of obtaining information through fraud in which the sender of a communication intentionally misrepresents the identity of the sender in order to induce the recipient of the communication to: (1) divulge the information to the sender; or (2) take an action that allows the sender access to the information.

Ind. Code § 5-14-3-2(p).

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hours, and costs charged. *Id.* Open requests carry forward to later reports. *Id.* Requests about specific persons or property, and requests for information already online, are excluded. *Id.* State agencies other than local governments must also publish statistics online annually, including: number of requests, response times, and the requests and responses themselves. Mont. Code § 2-6-1006(e) (2025).

Massachusetts: A supervisor of public records takes necessary measures to put government records in the condition required by law and to secure their preservation. Mass. Gen. Laws Ch. 66 § 1. Each records access officer documents uniform criteria for every request:

- the nature of the request and the date;
- the dates on which a request was received, a response is provided to the requestor, and a public record is provided to the requestor;
- the number of hours required to fulfill the request;
- fees charged to the person making the request, if any;
- agency petitions to the supervisor of public records seeking to charge for time spent segregating or redacting, or to charge in excess of \$25 per hour if the request is (A) for a “commercial purpose,” or (B) the fee is necessary, proposed in good faith, and not designed to limit, deter or prevent access to requested public records;
- requester petitions to the supervisor of public records for a determination that an agency violated public records laws;
- the time required to comply with supervisor of records orders; and
- the final adjudication of any court proceedings.

Mass. Gen. Laws Ch. 66 § 6A. The Secretary of the Commonwealth collects the data annually, posts it online, and reports it to the House and Senate clerks. *Id.*

District of Columbia: Annual agency reports include: the number of requests received and processed; denials and reasons; appeals, results, and reasons; median processing days; counts processed in 15 days or less, 16–25 days, and 26+ days; fees collected and fees waived; staff hours and total cost; number of times each exemption was invoked; names and titles of officials responsible for denials; and employees convicted of records-law misdemeanors. D.C. Code § 2-538.

Federal Government: Each federal agency is required to submit an annual report to the Attorney General and the Director of the Office of Government Information Services by February 1, covering the preceding fiscal year. The comprehensive report must include information including:

- The number of requests received and processed.
- The number of determinations to deny records requests and the reasons for each.
- The number of administrative appeals, their outcomes, and reasons for any denials.

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- The number of times requests were denied under law enforcement exclusions.
- The average, median, and range of days to respond to requests and provide records.
- The number of full-time staff devoted to processing requests and the total amount expended for staff time.
- The total amount of fees collected for processing requests.
- The number of fee waiver requests granted or denied, and the time taken to decide them.

Discussion: Nevada does not require governmental entities to collect or report data on public records requests. As a result, neither the Legislature nor the public can measure request volume, response times, or the staff and resources entities spend on compliance. Certain jurisdictions require standardized reporting. Consistent data would give policymakers an objective record of how the law works in practice. That record would include the number and complexity of requests, what compliance costs, and the staffing constraints entities face. It would also let future policy changes, including the uniform fee schedule recommended below, be measured against actual experience rather than anecdote.

Recommendation: The Legislature should amend the NPRA to require each governmental entity in Nevada to report annually on how it handles public records requests, using one standard form. The Nevada State Library, Archives and Public Records or public records ombudsperson should adopt the form after public notice and comment, review it at least annually, and publish the reports it receives in one place online.

The Task Force recommends that the form require, at a minimum:

1. **Volume:** the number of requests received and the number processed during the reporting period.
2. **Timeliness:** the average, median and range of days to respond to requests and to provide records.
3. **Clarification:** the number of requests for which the entity formally sought clarification from the requester.
4. **Denials:** the number of requests denied in full or in part, and the most common legal grounds relied on.
5. **Abandoned requests:** the number of requests abandoned by requesters.
6. **Staffing and cost:** the number of full-time-equivalent staff who process requests, and the total amount spent on staff time.
7. **Fees:** the total amount of fees collected, and the number of fee-waiver requests granted and denied, along with the time taken to decide them.
8. **Requester type:** to the extent the entity knows it, requests by type of requester, including individuals, law firms, organizations, insurers, governments, incarcerated persons, the media, anonymous requesters, current or former employees, and others.

9. **Disputes:** the number of petitions for nonbinding mediation with a public records ombudsperson, administrative appeals, and petitions for judicial review, and the outcome of each type of proceeding.

The designated body should also define terms on the form so that entities report consistently. The definitions should include:

- a common reporting period, such as the calendar year;
- when a request is “received” and when it is “closed”;
- whether days are counted as business days or calendar days;
- what makes a request “abandoned.”

4. Recommendations

4.1 Clarification of Custodianship and Control

NPRA requires the governmental entity with “legal custody or control” of a record to respond to a requestor, NRS 239.0107, but Chapter 239 does not provide a comprehensive explanation what legal custodianship or control means across state and local government. The Nevada Administrative Code defines “legal custody” as “all rights and responsibilities of access to and maintenance of a record which are vested in” an office or department of a local governmental entity or state agency “and with the official or head” of the department or state agency “charged with the care, custody and control of that record.” NAC 239.041, 239.620. The Nevada Supreme Court has held that a government entity has “legal control” over records where an entity contracts with a private company to provide public services and the contract indicates the company could generate the requested records and provide them to the entity for disclosure. *Las Vegas Metro. Police Dep’t v. Blackjack Bonding, Inc.*, 131 Nev. 80, 86–87, 343 P.3d 608, 613 (2015); *see also Comstock Residents Ass’n v. Lyon Cnty. Bd. of Comm’rs*, 134 Nev. 142, 147–48, 414 P.3d 318, 323 (2018) (“a record within the possession of a private entity may still constitute a public record subject to disclosure upon request”) (citing NRS 239.001(4)). The definition of “custodian of records” in NRS 239.121 is limited to any person authorized to have the care, custody and control of any documents, instruments, papers, books, pamphlets or any other records or writings of a local governmental entity. Further, NRS 239.0107 allows an entity that lacks custody or control to direct the requestor elsewhere, if known.

Clarification of Legal Custody

Other states provide more clarity on the meaning of custody. North Carolina, for example, specifies that an agency holding another agency’s records for purposes of storage, safekeeping, or data processing is not the custodian responsible for responding to a public records request. N.C.G.S. § 1326. It also has a provision that allows a custodian to demand custody of public

records from any person having illegal possession them and provides consequences if the record(s) are not produced according to law. *See* N.C.G.S. § 1325. Nevada should adopt this concept, while requiring service custodians to preserve, secure, and return records to the responsible entity.

- **Recommendation:** The Legislature should amend the NPRA to distinguish between the “responsible custodian” and a “service custodian.”
- **Responsible custodian:** A governmental entity holding the legal control, statutory responsibility, or policy accountability for the program, function, transaction, or decision documented by the record. A responsible custodian does not include a government entity that did not create a record and has no right or responsibility to access, maintain, or assert a legal privilege with respect to the record.
- **Service custodian:** An IT department, archive, contractor, cloud provider, or shared-service organization that stores or processes records for another entity but does not determine their legal status.

Clarification of Legal Control

Governmental entities should be considered to control a record when it has the legal right to or reasonable ability to obtain or retrieve the record, require another person to preserve or produce the record, direct how it is maintained, used, transferred, or destroyed, use it to perform a governmental function or make an official decision, and/or require its return when employment, office, or a contract ends.

Control by definition should not create the following responsibility:

- Mere backup storage
- Cybersecurity monitoring
- Technical administration
- Incidental receipt of courtesy copy
- Temporary possession solely for transmission
- Possession of a record belonging to another governmental entity or person

Nevada law does not currently address contract requirements for individuals, partnerships, corporations, or business entities who enter into a contract for services with a public agency responsible for public records. In addition to other contract requirements provided by law, each public agency contract for services entered into should include a provision that requires the contractor to comply with Nevada public records laws, specifically to ensure:

1. Records created, received or maintained in performing the governmental function remain under governmental control
2. The contractor must preserve them according to applicable retention schedules

3. The contractor must return responsible records promptly when requested by the agency
4. Confidential and personally identifiable information must remain protected during and after the contract
5. Records must be restored or securely disposed of when the contract ends
6. The contractor may not sell, commercially exploit, train an AI model on, combine or repurpose government data unless expressly authorized by law and contract
7. Subcontractors and cloud providers are bound by the same requirements
8. The agency must retain the practical ability to export its records in a usable format

Florida, for example, treats certain private entities acting on behalf of government as subjects to its public-records requirements. Florida also requires public service contracts to address preservation, confidentiality, production and transfer of records when a contract ends. *See* Fl. Stat. § 119.01 *et seq.*

Recommendation: Nevada law should require public service contracts to include a provision that requires the contractor to comply with Nevada public records law, and address preservation, confidentiality, production and transfer of records when a contract ends.

Public Records Act Compliance Coordination

It's often unclear who is behind an online public records request portal. When citizens are unsure how to submit a request, or which office to physically go to for inquiries, they want to speak to an employee of the agency. Nevada law should require every governmental entity to provide:

- The name and title of its public records officer, and a backup contact
- The officer's contact information
- The agency's physical office location to make public records requests, in addition to its online submission method
- The agency's public records scope and jurisdiction
- In Washington, state and local agencies are required to publicly identify a public-records officer responsible for overseeing compliance. *See* [Wa. Rev. Code § 42.56.580](#).

Recommendation: Nevada law should require government entity to designate the position(s) responsible for managing public records requests at each governmental entity, and provide direct contact information.

4.2 Protection of Personally Identifying Information and Transparency

Privacy and transparency are equivalent obligations. Nevada public records laws must protect sensitive data, without concealing public records. NRS 239.001 declares that public records law must be liberally construed to promote prompt access, places the burden of proving confidentiality on the government, and prohibits denying an entire record when confidential information can be redacted. Any reform should preserve and strengthen those principles.

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. Similarly, NRS 603A.210 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 specified 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 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 covering 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, 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.

Recommendation: The Legislature should establish a uniform statewide definition of “personal identifying information.”

Bulk Data Requests

Historically, a public record would be available at a government agency counter. The public could inspect the record, journalists could investigate it, and residents could hold officials accountable. However, more and more agencies are digitizing public records. The risk environment for Nevadans is different. Technical advances make information discoverable from great distances at speed and scale. Data brokers can combine records from multiple agencies and foreign actors can access the same database without ever entering Nevada. Information that seems harmless individually can be aggregated and exploited. Public access to records is not a concern. The scale, aggregation, searchability and automated reuse of that access poses threats.

Ordinary public access is not equivalent to placing person-level information into a universally searchable, indexable, and bulk-downloadable database. Technology can transform isolated records into population-scale profiles by enabling automated scraping, name and address-based searches, bulk downloads, AI-supported profiling, and dataset linking. In some cases, the requestor is using the information for the purpose reselling and solicitation.

Nevada can preserve the legal right to inspect and obtain records while applying narrowly tailored safeguards to the technological method of dissemination. Currently, NRS 239.014 recognizes that electronic collection of personally identifiable information can create risks and requires agencies to determine confidentiality. But the law does not address bulk publication, web scraping, application programming interfaces, dataset linkage or search-engine indexing.

Nevada law already recognizes that disclosure characteristics (like email addresses and phone numbers) of an entire database can differ from those of an individual data request (NRS 239B.040).

Arizona's judiciary governs bulk or compiled court data, requiring dissemination agreements for bulk requests for commercial and non-commercial purposes, and ensures the requestor complies with state laws. See [Arizona Judicial Branch](#).

Recommendation: Define “bulk or compiled data” as all or a substantial portion of a structured electronic dataset containing information concerning Nevadans, properties, businesses, cases or transactions.

Recommendation: When a requester seeks all or a substantial portion of an agency's database, the agency may process it under standardized bulk-data procedures rather than treating it identically to an ordinary document request.

Recommendation: Require a standardized dissemination agreement for defined high-risk bulk datasets requests, ensuring compliance with applicable privacy and/or confidentiality laws.

Recommendation: NRS should add a provision in statute that allows a public entity who is the legal or responsible custodian of public records to demand them from any person having illegal possession of them.

4.3 Criteria for Granting or Denying Access

NRS 239.001 requires exemptions and balancing tests to be construed narrowly. NRS 239.0113 also places the burden on the government agency to prove confidentiality by a preponderance of the evidence when confidentiality is disputed. Nevada does not, however, require a foreseeable-harm determination each time an agency relies on a discretionary exemption.

Federal FOIA provides a useful model in this example. The [FOIA Improvement Act of 2016](#) states that a federal agency may withhold information only when it foresees that disclosure would reasonably harm an interest protected by an exemption or when disclosure is prohibited by law. Agencies shall “consider whether partial disclosure of information is possible whenever the agency determines that a full disclosure of a requested record is not possible.”

Overly broad and voluminous requests have been attempted to be addressed with NRS 239.0101: “Make reasonable effort to assist the requester to focus the request.” In many cases, the requestor refuses to focus their requests, so significant time is used to fulfill the request, further delaying requests that come after. While large requests remain valid, agencies should be allowed to use structured tools like standardized request forms and methods to clarify what requestors are looking for.

For example, Utah Code § 63G.2.204(1) requires that a records request be in writing and contain the requester’s full name, mailing address, daytime phone number, and email (if willing to receive communications by email), and a description of the record specific enough to identify the record with reasonable certainty. *See* example of [Utah’s standard request form](#) here: [GRAMA-request-form2.pdf](#).

Recommendation: Requestor should be required by law to provide contact information including phone and email, and a description of the record specific enough to identify the record with reasonable certainty.

Administrative Closure of Certain Requests

Washington allows agencies to close an unclear request when the requestor doesn't respond to a request for clarification, while requiring the agency to continue responding to portions that are clear.

A request must reasonably identify the records or categories of records sought. A request shall not be denied solely because it includes a large volume of records. However, a request for all or substantially all records of an agency, without a reasonable identifiable subject matter, record category, time period, person, transaction, event, or other limiting criteria, does not constitute a sufficiently identifiable request, and should be grounds for denial.

Washington law states, "A public records request must be for identifiable records. [Wa. Rev. Code § 42.56.080](#). A request for all or substantially all records prepared, owned, used, or retained by an agency is not a valid request for identifiable records." But, requests for all records concerning a particular topic, keyword, or person is not in itself invalid. Further, Washington law states that an agency cannot deny an identifiable request simply because it is overly broad.

Louisiana: "If the custodian reasonably determines that the request would substantially disrupt required government operations, the custodian may deny access only after reasonable attempts to narrow or specify the request with the requestor." La. Rev. Stat. [§ 44:32](#).

Recommendation: Allow government entity to close request where requestor refuses to narrow the scope within a reasonable time and it is not possible to identify responsive records.

[Washington law RCW 42.56.080](#) also allows for denial of a "bot request" provided certain criteria. In Washington, agencies may deny a bot request that is "one of multiple requests from the requestor to the agency within a twenty-four hour period, if the agency establishes that responding to the multiple requests would cause excessive interference with other essential functions of the agency." Bot requests are described as a request for public records that an agency "reasonably believes was automatically generated by a computer program or script."

As stated above, Indiana looks to identify patterns or sources of excessive, automated, phishing related, or data scraping based public records requests. Ind. Code § 5-14-4-10. To timely identify such patterns or sources, public agencies report within seven days of receipt any public records request that is suspected by the public agency of being: (1) automated; or (2) data scraping or phishing activity. Ind. Code § 5-14-3-11. Notably, Indiana law permits a public agency to decline responding to a request when it suspects the request is data scraping or phishing activity, or when it suspects that responding electronically could expose its electronic systems or data to unauthorized access or alteration, or otherwise jeopardize their security. Ind. Code § 5-14-3-3.3(b).

Recommendation: Provide a statute that allows agencies to deny a request when it suspects the request is data scraping or phishing activity, or when it suspects that responding electronically could expose its electronic systems or data to unauthorized access or alteration, or otherwise jeopardize their security.

[Placeholder for vexatious requestors.]

Recommendation: Require affidavit on submission of a records request that that data is not being used to train an AI model on, sell, or repurpose government data (“commercial purpose”) unless expressly authorized by law and contract. If data is being used for commercial purposes the request should be denied as prohibited by law. If companies want data for commercial uses this should be required by contract. There should be an exemption for media.

4.4 Penalties for Delayed or Incomplete Responses

The NPRA currently contains provisions for delayed or incomplete responses.

First, the NPRA allows a requester to initiate a lawsuit whenever a request 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.” NRS 239.011(1). Whenever the requester “prevails,” in such a lawsuit, the requester is entitled to recover its reasonable attorneys’ fees and costs. NRS 239.011(2). This includes any fees or costs incurred due to an appeal. NRS 239.011(3). Case law has clarified that a requester “prevails” for purposes of this statute whenever they “succeed on any significant issue.” Las Vegas Metro. Police Dep’t v. Blackjack Bonding, 131 Nev. 80, 343 P.3d 608 (2015). Government employees have a duty to protect public tax dollars. Using tax dollars to pay a prevailing requesters’ fees and costs prevents those dollars from being used to provide services to the public. And as has been widely reported, requesters have recovered sums well into the six figures when prevailing under the NPRA. As such, the possibility of having to pay the requesters’ fees and costs is a severe penalty.

Second, if a government agency “willfully fail[s] to comply with the [NPRA], the court must impose on the governmental entity a civil penalty of:

- (a) For a first violation within a 10-year period, \$1,000.
- (b) For a second violation within a 10-year period, \$5,000.
- (c) For a third or subsequent violation within a 10-year period, \$10,000.”

NRS 239.340(1).”

This second penalty provision was added to the NPRA in 2019. Again, using tax dollars to pay penalties prevents those dollars from being used for core agency services. As such, it serves as a significant deterrent to willfully violating the NPRA.

The Task Force does not recommend any additional penalties. Instead, the Task Force is focused on more productive ways to ensure compliance with the NPRA, like alternative forms of dispute resolution (Section 3.6) and clarifying exemptions (Sections 4.1, 4.2, 4.3, 4.5, and 4.6) so that less disputes arise in the first place.

4.5 Protocols to Protect Criminal Investigations

The Task Force spent considerable time discussing criminal records. In particular, the Task Force heard substantial testimony that providing public access to ongoing and active criminal investigations and trials jeopardizes law enforcement interests, privacy rights, and the rights of criminal defendants to a fair trial. Most states protect open criminal files, at least in some way as summarized below, as well as materials previously received by the PRTF. The PRTF also heard testimony that stakeholders throughout the state disagree as to the state of current law in Nevada governing such records. Finally, protecting the rights of criminal defendants is essential. As the PRTF heard during its hearings, defendants have a constitutional right to a fair trial. Pretrial publicity and the premature disclosure of detailed information can jeopardize these crucial rights.

Nevada law already recognizes a privacy interest in criminal records. For example, it allows criminal defendants convicted of crimes to seal their criminal records under various circumstances tied to the severity of the crime and length of time that has passed. Additionally, Nevada law generally prohibits employers from asking about criminal employment history in a job application. Since employers are not allowed to ask about criminal records, and criminal records are subject to sealing, the Legislature has already found that there is a privacy interest. The former criminal defendant has served the sentence and deserves the chance to be free from past mistakes. Yet anyone could find out about past criminal conduct through the NPRA. This gap should be filled by adding language to the sealing statutes in NRS Chapter 179 to contain a presumption that any records that are eligible for sealing are confidential from the NPRA.

A similar but more profound gap in the law exists for criminal investigative files involving a subject who is never arrested because probable cause cannot be established. The allegation, indeed, can be totally false. Revealing the investigation can have profoundly negative impacts on the subject's personal and professional life. It may also be a violation of the 14th Amendment's due process clause, which prohibits the government from punishing individuals accused of crime prior to being convicted. The Ninth Circuit has held that disclosing booking photos prior to conviction implicates these rights, so disclosing whole files would seem to as well. *Houston v.*

Maricopa County, 116 F.4th 935 (9th Cir. 2024). Nevada law should be clarified that such records are subject to sealing and are confidential under the NPRA. If a defendant found guilty of a crime can seal records, then a subject never arrested should be able to seal records. The sealing statutes in NRS Chapter 179 should permit sealing of such records and contain a similar provision that they are confidential under the NPRA, even when not officially sealed.

Based on these findings, the PRTF recommends Nevada law be clarified to ensure investigative files are confidential.

Recommendation: Ensure open criminal cases are confidential and clarify Nevada law to recognize a privacy interest when records are subject to sealing.

An easy way to do so is through NRS Chapter 179A, which governs police records. Law enforcement agencies already rely on this chapter to protect investigative files. Two amendments would remove all doubt. First, NRS 179A.070, which is listed among the exemptions to the NPRA in 239.010(1), shall include a third subsection to read as follows:

“The records identified in this section are confidential, except as provided in this Chapter.” Then, NRS 179A.100, which is a comprehensive statute that governs most instances when police records shall and may be disseminated, should be amended to include a new subsection (6), as follows:

6. Investigative or intelligence information, reports of crime or other information concerning specific persons collected in the course of the enforcement of criminal laws must be disseminated by an agency of criminal justice, upon request, to any person, unless the agency of criminal justice provides an attestation under oath that such records relate to an active and ongoing criminal investigation or prosecution. If an agency of criminal justice disseminates records under this subsection, the agency of criminal justice may only redact the records pursuant to exemptions available under the Nevada Public Records Act, NRS Chapter 239.

The attestation requirement accounts for the risk, raised by the Transparency members, that a police agency would misrepresent the status of an investigation.

These amendments are consistent with existing law protecting Criminal Justice Information Systems (NRS Chapter 179A), grand jury proceedings (NRS 172.245), search warrant applications (NRS 179.045(4)), the privacy of victims through Marsy’s Law (Art. of the Nevada constitution). These amendments are also consistent with Nevada law governing the disclosure of

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records in criminal cases (NRS 174.235). Federal law under the Privacy Act of 1974 is also consistent.

In general, forty-two states have protections for criminal investigative records. A summary is provided below. In Nevada, there is no blanket confidentiality rule for all criminal investigative records, but several statutes and doctrines create confidentiality for specific categories of criminal justice records. NRS Chapter 179A makes certain categories of criminal justice information confidential, and the common-law balancing test comes into play when records are not expressly exempt. The test weighs the privacy interest of individuals, including suspects, and officers. The courts have repeatedly held that law-enforcement investigative materials often implicate strong privacy concerns, and disclosure that risks unfairly stigmatizing individuals or compromising fairness is disfavored. Under these cases, courts have upheld confidentiality when disclosure would implicate the privacy rights of crime victims or accused persons, risk interference with investigations, or risk tainting criminal proceedings.

Alabama

Criminal investigative files are generally confidential and exempt from disclosure.

Alaska

Active criminal investigation records are confidential unless disclosure would not interfere with enforcement.

Arizona

Investigatory records may be withheld if release would harm an investigation, privacy, or law-enforcement interests.

California

Police investigatory records are broadly confidential under Government Code § 6254(f), with limited exceptions.

Colorado

Criminal justice records are largely discretionary for release, but many investigatory records may be withheld, especially for ongoing cases.

Connecticut

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Active investigative files are exempt until the case is closed; some info becomes public afterward.

Delaware

Law enforcement investigatory files are exempt and confidential.

Florida

Active criminal investigative and intelligence information is confidential until cases close (well-developed statutory framework).

Georgia

Active investigations are exempt; closed files may become public with exceptions.

Hawaii

Law enforcement records can be withheld if disclosure would frustrate law enforcement or endanger safety.

Idaho

Investigatory records may be withheld if disclosure would interfere with enforcement or violate privacy.

Illinois

Criminal investigative records are exempt from FOIA unless release would not interfere with enforcement.

Indiana

Investigatory records of law-enforcement agencies may be withheld, especially if part of an ongoing case.

Kansas

Criminal investigation records are expressly confidential unless certain criteria for disclosure are met.

Kentucky

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Active criminal investigative files are exempt.

Louisiana

Criminal investigation records are confidential during active investigations.

Maryland

Investigatory records are exempt if release would interfere with enforcement or invade privacy.

Massachusetts

Investigatory materials compiled by law enforcement are confidential unless release would not jeopardize enforcement.

Michigan

Investigatory records are exempt if release would interfere with law enforcement or violate privacy.

Minnesota

Active investigative data are confidential; closed cases may be public with restrictions.

Missouri

Criminal investigative records are confidential while active; some may be released after matters are closed.

Nebraska

Investigatory records are exempt if release would interfere with enforcement or violate privacy.

New Hampshire

Investigatory records are exempt under RSA 91-A if disclosure would interfere with enforcement.

New Jersey

Criminal investigatory records are confidential except for limited information (GRC case law is strong here).

New Mexico

Law enforcement records in active investigations may be withheld.

New York

Law enforcement investigative records may be withheld if disclosure would interfere with enforcement or create risk.

North Carolina

Investigatory records are confidential and not public.

North Dakota

Active criminal intelligence and investigative records are confidential.

Ohio

Records pertaining to ongoing investigations are exempt until they are closed.

Oklahoma

Investigatory records may be withheld if disclosure would interfere with enforcement.

Oregon

Investigatory records are exempt if disclosure would interfere with enforcement or violate privacy.

Pennsylvania

Criminal investigative records are confidential under the Criminal History Record Information Act (CHRIA).

Rhode Island

Law enforcement investigatory records may be withheld if disclosure would interfere with enforcement.

South Carolina

Investigatory records may be withheld while cases are active.

Tennessee

Case files of ongoing criminal investigations are confidential.

Texas

Investigatory records may be withheld if release would interfere with law enforcement (very broad exception).

Utah

Active law-enforcement investigative records are classified as protected.

Virginia

Criminal investigative records are exempt unless the agency elects to release certain material.

Washington

Investigative records can be withheld if disclosure would interfere with enforcement, invade privacy, or endanger safety.

West Virginia

Investigatory records may be withheld if release would interfere with enforcement.

Wisconsin

Investigatory records can be withheld based on safety, privacy, and enforcement concerns.

Wyoming

Investigatory records may be withheld if disclosure would harm law-enforcement interests.

4.6 Standardized Fee Schedule

The NPRA allows each governmental entity to set its own fees, limited to the entity's actual cost. NRS 239.052. As a result, requesters face different charges from entity to entity for the same kind of request. Entities also lack a common benchmark for what counts as a reasonable or actual cost. AB 128 directs the Task Force to recommend "a standardized fee schedule."

States around the country provide different models for creating a standardized fee schedule. Multiple states allow a single body to publish a fee schedule for all or most government entities. Other states allow each branch of government (executive, judicial, and legislative) to set its own schedule. In general, local government entities are permitted but not required to adopt a standardized fee schedule. The state legislatures may also set allowable fees or fee caps directly in statute.

Pennsylvania: The Office of Open Records is statutorily required to conduct a biannual review of fees charged under the Right-to-Know-Law, 65 P.S. §§ 67.101 *et seq.*, see 65 P.S. § 67.1310(a)(8). The Office of Open Records sets duplication fees for all Commonwealth agencies and local agencies; however, the judiciary and legislature set their own fees. 65 P.S. § 67.1307(b)(1). Duplication fees must be reasonable and based on “prevailing fees for comparable duplication services provided by local business entities.” 65 P.S. § 67.1307(b)(2). An agency’s fees may differ from those on the Office of Open Records’s fee schedule, provided that the fees are less than those permitted by the Office.

Texas: The Office of the Attorney General is required to adopt rules for use by each state government entity in determining charges for providing copies of public records. Tex. Gov. Code § 552.262(a). A government entity (other than a state agency) may determine its own fees but may not charge over 25% more than the amount established by the attorney general unless the entity requests an exemption. *Id.* The attorney general may grant an exemption for good cause. *Id.* § 552.262(c).

Hawaii: The director of the Office of Information Practices is statutorily required to “adopt rules that set forth the fees and other charges that may be imposed for searching, reviewing, or segregating disclosable records, as well as to provide for a waiver of such fees when the public interest would be served.” Haw. Rev. Stat. § 92F-42 (13). The rules authorize state and county government entities to charge fees for searching for, reviewing, and segregating the record and any other lawful fees. Haw. Admin. R. § 2-71-19.⁴ Agencies may charge fees up to their actual costs or the following fees: \$2.50 per 15 minutes to search (\$10/hour), \$5 per 15 minutes to review and segregate (\$20/hour), and the first \$30 is waived. Haw. Admin. R. § 2-71-31.

Tennessee: The Office of Open Records Counsel is required to establish (and revise at least annually) a schedule of reasonable charges government entities may use as a guideline to charge for public records requests. Tenn. Code Ann. § 8-4-604(a)(1) (2025). The schedule sets per page copying charges and permits actual out-of-pocket costs for flash drives or similar storage devices on which electronic copies are provided. *See* Schedule of Reasonable Charges, Office of Open

⁴ These rules also allow an agency to require prepayment of 50% of the agency’s estimated search, review, and segregation fees, plus 100% of the agency’s estimate of other lawful fees, such as copying or mailing costs search, review, and segregation fees. Haw. Admin. R. § 2-71-19.

Records Counsel, *available at*

<https://www.comptroller.tn.gov/content/dam/cot/orc/documents/oorc/policies-and-guidelines/ScheduleofReasonableCharges.pdf> (last visited Sept. 27, 2026). *Id.* The schedule

expressly permits labor charges after the first hour of labor reasonably *necessary* to produce the requested records, *i.e.*, the “labor threshold.” *Id.* Notably, Tennessee law establishes a separate fee policy for frequent and multiple requests. Tenn. Code Ann. § 8-4-604(a)(2) (2025). This schedule allows a government entity to aggregate requests made by a single requester or, in some instances, multiple requesters acting together. Reasonable Charges for Frequent and Multiple Requests, Office of Open Records Counsel, *available at*

https://comptroller.tn.gov/content/dam/cot/orc/documents/oorc/policies-and-guidelines/Frequent_and_Multiple_Requests.pdf (last visited Sept. 27, 2026). Once a requester

reaches an aggregation threshold (at least four requests within a calendar month), a government entity is no longer required to deduct the labor threshold set forth in the Schedule of Reasonable Charges or any other minimum charge per request threshold that would ordinarily be waived. *Id.*

Louisiana: The Commissioner of Administration sets a uniform fee schedule for state agencies providing copies of public records. La. Rev. Stat. [§ 39:241](#). Local government entities set and post their own reasonable fees. La. Rev. Stat. [§ 44:32](#).

Vermont: The Secretary of State, after consultation with the Secretary of Administration, adopts a uniform schedule of public records charges for state agencies, including the amount that may be charged for staff time and other actual costs. 1 Vt. Stat. Ann. [§ 316\(d\) \(2025\)](#). In addition to costs for photocopies, CDs, DVDs, and audio or video tapes, the schedule establishes the following fees:

1. For staff time involved in physically duplicating a record, \$.33 per minute [\$19.80/hour] after the first 30 minutes.
2. For senior-level staff time, and information technology specialists’ time spent extracting data from databases, or performing similar tasks necessary to comply with a request to create a new public record, \$.57 per minute [\$34.20/hour].
3. For any other staff time for which cost can be charged and collected under this section, \$.45 per minute [\$27/hour].

See Uniform Charges Schedule, Vermont Secretary of State, *available at*

<https://sos.vermont.gov/vsara/manage/information-governance/compliance/uniform-charges-schedule> (last visited Sept. 27, 2026). Each local government entity its own schedule after public hearing. 1 Vt. Stat. Ann. [§ 316\(e\) \(2025\)](#).

A majority of states explicitly permit government agencies to charge for staff time spent searching for, reviewing, redacting, and making copies of records. *E.g.*, Tex. Gov. Code § 552.261(a) (fees for providing public records “shall be an amount that reasonably includes all

costs related to reproducing the public information, including costs of materials, labor, and overhead”); D.C. Code § 2-532 (fees may be charged at an amount not to exceed the actual cost of searching for, reviewing, redacting, and making copies of records). However, a minority of states prohibit charging for staff time. *E.g.*, W. Va. Code § 29B-1-3(e) (prohibiting search or retrieval fees or reimbursement based on a man-hours); Ar. Code § 25-19-105(d)(3)(A)(i) (prohibiting fees for “existing agency personnel time associated with searching for, retrieving, reviewing, or copying the records”); In. Code § 5-14-3-8 (expressly excluding labor or overhead costs from “actual cost” subject to certain exceptions). Notably, Kentucky prohibits charging *noncommercial* requesters for staff time or search efforts in fulfilling their public records requests, but staff time is permissible for commercial requesters. Ky. Rev. Stat. § 61.874(3), (4).

Additionally, states around the country recognize that commercial and/or news media use of public records are different from other categories of use. Those states allow government entities to address such requests in ways unique from other individual requesters. Mass. Gen. Laws Ch. 66 § 10(d)(ix) (defining a “commercial purpose” as “the sale or resale of any portion of the public record or the use of information from the public record to advance the requester’s strategic business interests in a manner that the requester can reasonably expect to make a profit,” and excluding “gathering or reporting news or gathering information to promote citizen oversight or further the understanding of the operation or activities of government or for academic, scientific, journalistic or public research or education”); Tenn. Code § 10-7-506 (2025) (defining a “record that has commercial value” to mean a “record requested for any purpose other than: (A) A non-business use by an individual; and (B) A news gathering use by the news media”); Tex. Gov. Code § 552.275(m)(2) (defining “News medium” to include “a newspaper, magazine or periodical, a book publisher, a news agency, a wire service, an FCC-licensed radio or television station or a network of such stations, a cable, satellite, or other transmission system or carrier or channel... or an audio or audiovisual production company or Internet company ... that disseminates news or information to the public by any means...).

Recommendation: The Legislature should amend the NPRA to require a single, uniform schedule of fees that every governmental entity in Nevada may use when fulfilling public records requests to expressly include the cost of searching, reviewing, redacting, and producing. The Nevada State Library, Archives and Public Records or a public records ombudsperson should be tasked with adopting the schedule, publishing it online, and reviewing it at least once a year.

The Task Force recommends the delegated approach because a schedule set by rule can keep up with real costs without legislation each session. The Task Force recommends that the statute:

1. **Designate the body and set a review cycle.** Direct Nevada State Library, Archives and Public Records or a public records ombudsperson to adopt the schedule after public notice and comment, review it at least annually, and publish the schedule online.

2. **Cover reproduction costs.** Set reasonable per-unit charges for the hard costs of reproduction: standard and oversized paper copies, color copies, electronic storage media (flash drives, CDs, DVDs), and postage or shipping.
3. **Cover staff time, subject to a one-hour threshold.** Set a rate (10 or 15-minute increments) for staff time spent locating, retrieving, reviewing, redacting and copying records. The rate should be based on the lowest-paid employee qualified to do the work.
 - a. No staff-time charge may be assessed until the staff time on a request exceeds one hour.
 - b. Government entities should be permitted to aggregate frequent requests from the same requester, or from requesters acting together, into one for fee purposes.
4. **Make the schedule a ceiling.** A state entity may charge less than the schedule or waive fees but may not charge more. Local government entities may request exemption from the state uniform schedule provided they do not charge over 25% more than the amount established by the state uniform schedule. The Nevada State Library, Archives and Public Records or a public records ombudsperson may approve an exemption for good cause shown.
5. **Prohibit certain charges.** No fee may be charged for:
 - a. inspecting records; or
 - b. deciding whether a record or part of a record is confidential.
6. **Provide for estimates and waivers.** Require a written, itemized estimate before any charge above a set amount is incurred. Authorize waivers or reductions when disclosure primarily benefits the public.

Given the specific restrictions on staff time, including the one-hour threshold and capped hourly rate, this recommendation avoids the ambiguity of the “extraordinary use” language in the now-repealed NRS 239.055. Additionally, this recommendation fulfills government entities desire to avoid fee disputes with predictable, standardized fees.

4.7 Protections Against Retaliatory Litigation

There are sufficient protections for requestors in Nevada law, such as anti-SLAPP that protect against abusive or retaliatory legal action.

Recommend measures to protect government entities from abusive or retaliatory records requests and associated litigation.

5. Implementation Considerations

Discuss how recommendations can be enacted.

Include:

- Legislative changes required
- Administrative actions
- Investments in technology, staffing, training, etc.
- Ongoing oversight

7. Conclusion

Summarize the Task Force recommendations and potential impact.

8. Appendix

Include supporting materials such as:

- Meeting agendas and minutes
- Presentations, legal references, etc.
- Comparative analysis with other states