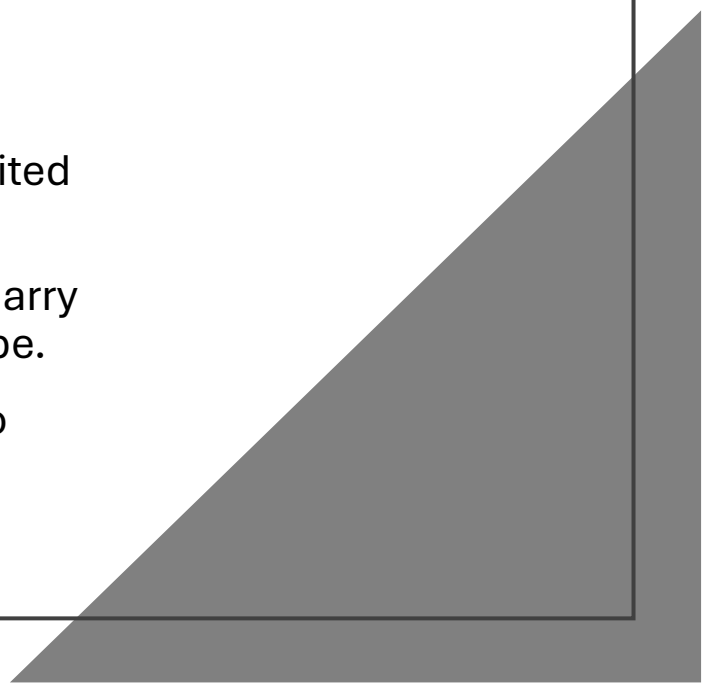


A Practitioners Perspective

NDOT Public Records Requests

Evaluation Element #1

Current exemptions to chapter 239 of NRS.

- Focus:
 - NRS 242 (Information Services)
 - NRS 239C (Homeland Security)
 - Challenges: Fragmented communication, unclear statutory definitions, limited cross-agency coordination.
 - Example: NDOT maintains records of critical infrastructure (Hoover Dam, Harry Reid International Airport, etc.) often outside emergency management scope.
 - Recommendation: Clearer definitions and stronger collaboration needed to protect sensitive information.
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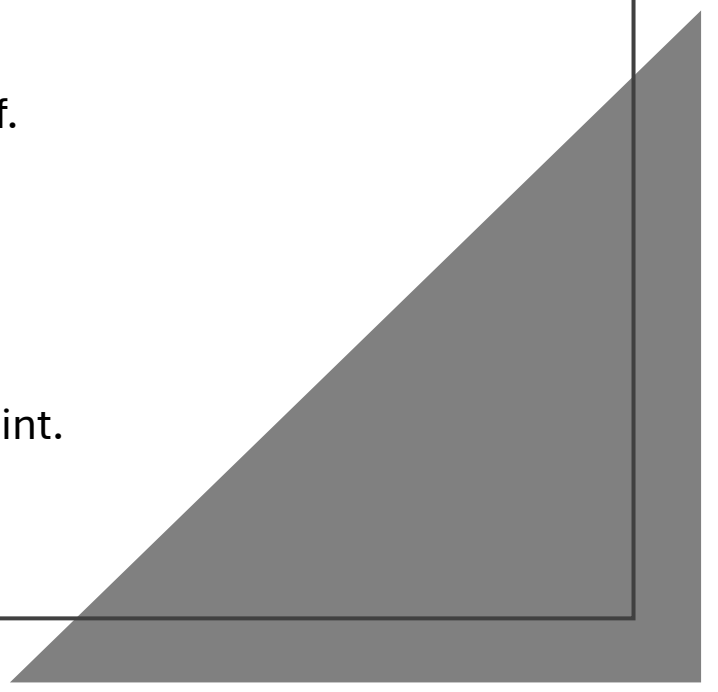
Evaluation Element #3

The impact of broad requests for public records on governmental entities.

- Focus:
 - Broad/vexatious requests hamper timely responses.
 - Using data to determine deadlines
 - “FOIA Bombing” at federal level.
- Challenges: NDOT has seen a 34% increase in requests (2023–2025); projected 56% increase by 2026.
- Example: NDOT maintains records of critical infrastructure (Hoover Dam, Harry Reid International Airport, etc.)—often outside emergency management scope.
- Key takeaway: Overly broad requests impose substantial time and financial burdens.

Evaluation Element #4

The cost, burden and time constraint on governmental entities to redact confidential information.

- Focus:
 - Manual review is the greatest cost; many agencies lack dedicated staff.
 - Additional costs: Software licenses (Adobe Pro, redaction tools, etc.).
 - Challenges:
 - No enterprise-wide solution or shared resource at the state level.
 - Available staff and time.
 - Main point: The extensive review process is the primary operational constraint.
- 

Evaluation Element #5

The financial burden on a person who requests a public record.

- Focus: Standardized fee schedule (including staff time) would impact requesters.
- Challenges: Agencies currently charge only “actual costs” (physical media).
- Recommendation: Clear parameters could help agencies recover extraordinary costs and deter vexatious requests, while allowing exemptions for those unable to pay.

Evaluation Element #6

Mechanisms to resolve disputes involving requests for public records, including, without limitation, mediation and other types of alternative dispute resolution.

- Focus and Challenges: Nevada lacks formal mechanisms.
- Example:
 - Utah's GRAMA provides structured processes - [Utah Code Chapter 63G-2](#)
 - GRO evaluates vexatious requestors, administers mediation via Public Records Ombudsman.
- Recommendation: establish a similar agency in Nevada for consistent structure, terminology, and centralized oversight.

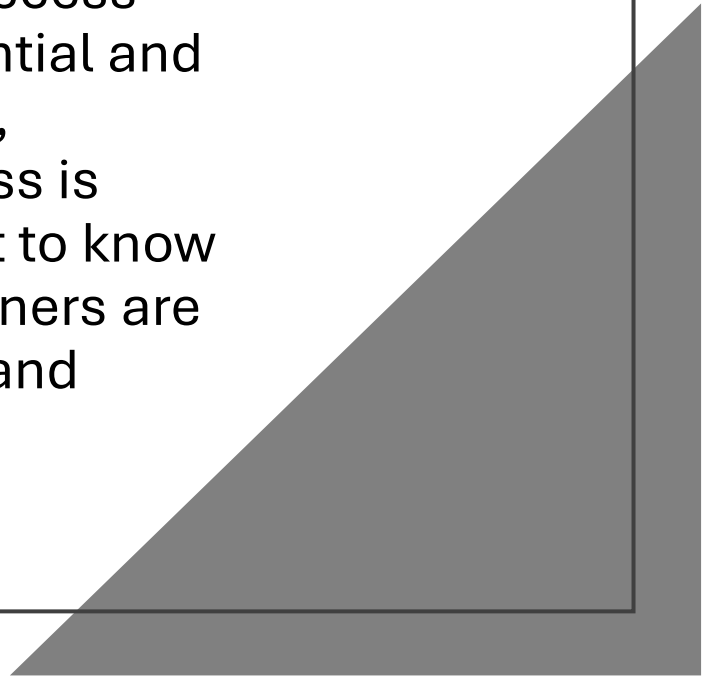
Evaluation Element #7

Methods for collecting and sharing data related to requests for public records.

- Focus: Penalties and retaliatory litigation.
- Recommendation: Establish guidance, enforcement, and oversight before imposing penalties.
 - Oversight office could reduce adversarial interactions and retaliatory litigation.

Conclusion

Public records are the gateway through which Nevada's residents access information about their government, fostering transparency and trust. As Task Force members, you recognize that this access must be balanced with the responsibility to protect confidential and sensitive information. By working collaboratively requesters, agencies, and oversight bodies can ensure that public access is robust, fair, and secure. This supports both the public's right to know and the need to safeguard Nevada's infrastructure. Practitioners are not just gatekeepers, but partners in building a transparent and resilient public records system.



Questions?

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