



NEVADA STATE BOARD OF DENTAL EXAMINERS

PUBLIC RECORDS REQUEST GUIDE

2017

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Office Hours.

Monday-Friday
8:00 a.m. to 5 p.m.
Closed all State and Federal Holidays

Public Records Officer:

Angelica Bejar
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abjar@nsbde.nv.gov

Alternate Public Records Officer:

Debra Shaffer-Kugel
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PUBLIC RECORDS REQUESTS:

Public Records Request Form

The Nevada State Board of Dental Examiners has adopted a Public Records Request Form to be used by individuals with a public records request to be submitted to the Board's Public Records Officer.

The form contains the required information pursuant to NRS 239.008.

1. Contact information of the person submitting the request
2. The date of the request
3. A title or description of the public record that is sufficient to identify the record
4. Type of access requested: inspect (view only), copy or receive a copy of the public record
5. Type of medium requested: paper, electronic, certified, etc.
6. Preferred delivery: by mail, facsimile machine, electronic mail and the applicable (internet or physical) address information
7. An affirmation that the person understands.
 - a. There may be a fee to receive a copy of a public record, which must be paid in full before receiving the copy; and
 - b. If the copy fees exceed \$25, a written cost estimate will be produced

The form is readily available for use on our agency's website or in person at the agency office location

When a request is received.

Requests for public records are directed to the records official of the agency. The request should be made on the standard records request form. The request may be hand-delivered, mailed, emailed, or sent via facsimile to the agency. If the request is extraordinary, according the Act, the records official shall require the request to be submitted in writing. A written request is preferred, however, if an oral request, in person or by phone, is received, the agency may consider confirming the request in writing in order to eliminate any confusion regarding the request.

Readily Available Records

Records should be organized and maintained so they are available for inspection and copying when requested, known as readily available upon request and made available in the requested readily available medium. This is particularly true of frequently requested records.

Redacted

When a record contains confidential information it does not mean that the record “in whole” must be denied. Rather, the rule is that our agency can “redact, delete, conceal or separate” confidential information but the remainder of the record must be released. Every redaction shall be considered to be an “in part” denial of the request. Whenever a record is redacted, the agency is to provide the requester with a written denial notice for redaction when the redacted records are provided to the requester. The notice will provide the requester with sufficient information about the reasoning behind the in part denial.

Our agency is required to redact all personal identifying information (i.e., SSN, DOB, home address, health related information), proprietary information, information about on-going criminal investigations, the names of victims of crimes, and other personal information, as required by statute.

Redaction prior to inspection

If a requester wishes to inspect rather than receive a copy of a record and the record contains both public and confidential information, the agency shall redact the confidential information. Our agency may not charge the requester.

Denials

The Act requires that the law be interpreted liberally, in favor of access, and that any exemption allowing public records to be withheld must be interpreted narrowly. When denying a request, either in whole or in part, our agency must provide a written notice of denial. The response should provide the requester with sufficient information about the reasoning behind the denial

Geographic Information System (GIS)

In NRS 239.054, the Act makes provisions for additional reasonable costs for GIS systems. Agencies may recover cost related to:

- Gathering and entry of data into the system
 - Maintenance and updating of the database of the system
 - Hardware
 - Software
 - Quality control
-
- Consultation with personnel of the governmental entity

Use of Outside Copying Service

If the services of an outside vendor are required to copy any public record, the actual charges in connection with such copying services may be charged. Our agency may make arrangements with a local bonded copying service to perform this service. If our agency uses an outside copying service to make the copies, the agency may require the person to pay the cost of the entire copying job, as billed by the copying service, unless specific statute or regulation requires the agency to provide the copy without charge. The use of an outside copying service must be standardized by policy and evenly applied

Minutes and recording of public meetings

Minutes and audio recordings of meetings of public bodies are routine requests for public records which are to be satisfied immediately and at no charge. Minutes must be retained and made available to the public by the public body for the first five years after the meeting and thereafter are to be made available to the public in the State Archives. Drafts of minutes are to be made available to the public at no charge within 30 working days after the adjournment of the meeting and until the official meeting minutes are approved by the public body. Audio recording must be retained and made available to the public for one year after the meeting.

Request Received – Day 0

The request is directed to the records official of the agency. The request should be made on the public records request form. The request may be hand-delivered, mailed, emailed, or sent via facsimile to the agency. If the request is extraordinary, according the Act, the records official shall require the request to be submitted in writing

Response-1-5 days

Not later than the fifth day after receipt of the request, the agency must respond to the requestor. The response shall be one of the following:

1. Readily available records are made available for inspection or copying.
2. A written notice stating the agency does not have custody of the official record. The notice shall state the name and address of the appropriate agency.
3. A written notice stating the records are not available within this five-day period and state the date and time the records will be made available.

4. A written notice if a fee is required.

a) If the agency requires prepayment. No further work on the request need be taken until the estimated fees (if applicable) have been deposited with the agency. (Note. not all agencies require pre-payment of fees.)

b) If the estimated fee exceeds \$25. The requester must acknowledge and approve the fee in writing before the agency fulfills the request. The agency may offer the requester an opportunity to revise or narrow the request.

c) If the agency determines the request requires extraordinary use of personnel or technological resources. The notice shall explain and estimate the cost of this fee. The agency may offer the requester an opportunity to revise or narrow the request.

5. A written notice stating the request for release is denied, in part or in whole, and state the legal basis for its decision not to fully comply with the request.

Appealing Denials

If a person is denied access, in whole or in part, to a public record that is less than 30 years old, the person may apply to the district court in which the record is located to request that the court issue an order allowing access to the record.

If an agency fails to properly honor its public records disclosure obligations, it may result in a court ordering the agency to produce the records and to pay the requester's attorney's fees and damages.

CONFIDENTIAL AND RESTRICTED RECORDS

The Nevada Revised Statutes (NRS) identifies many statutes that declare records to be confidential or restricted and, therefore, are not publicly accessible. Having timely access to accurate information is central to an agency being able to fulfill its mission; therefore, the agency's records official must know and understand the specific statutes which declare records of the agency, in whole or in part, to be confidential as well as the specific statutes which may restrict access¹⁴ to the records, in whole or in part.

Documents Deemed Confidential.

NRS 631.368 Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records; cooperation with or dissemination of records to other agencies.

1. Except as otherwise provided in this section and NRS 239.0115, any records or information obtained during the course of an investigation by the Board and any record of the investigation are confidential.

2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The Board shall, to the extent feasible, communicate or cooperate with or provide any record or information described in subsection 1 to any other licensing board or any other agency that is investigating a person, including a law enforcement agency.

FEES

List of Copy Fees.

- Three (3) cents per page for paper copies of public records
- CD rom charge is \$2.00 for each CE rom containing public records documents No charge if you provide
- Flash-drive charge is \$4.00 for each flash-drive containing public records documents No charge if you provide
- Electronic submission by email of public documents no charge
- Inspection of records of public documents at office no charge
- Postage, express mail, delivery services, etc.

Posting list of copy fees.

The fees for copies are posted at the Board's office and on the Board's website at www.denta.nv.gov

Waiving or Reduce Copy Fees.

Our agency has elected not to waive or reduce fees for copies.

Extraordinary Use Fees.

In addition, to any other fee authorized pursuant to NRS 239, an agency may charge for extraordinary use of personnel or technological resources. This fee is not to exceed 50 cents per page. The request must be in writing and upon receiving such a request, the agency must submit to the requester a written estimate of the fee before preparing the requested information.

Payment before release of copies.

Our agency requires payment be received in full prior to the release of the public records.

Note. If copies of public records were requested and the requester fails to claim the copies, the agency is not obligated to hold the copies for pick up for more than 30 days after the date the copies were made available to the person.