

CC111309-1	City of Papillion- General Order	
<b>TOPIC: Request for Public Records</b>		
<b>ISSUED BY:</b> Elizabeth McCarty	<b>NOTE: Amended Policy</b> <b>Guideline Number CL-0010</b> <b>dated August 6, 2002</b>	<b>EFFECTIVE DATE:</b> <b>December 16, 2009</b>

**POLICY:**

It shall be the policy of the City of Papillion to comply with all aspects of Nebraska Revised Statute 84-712 when responding to written request for public records. When the request exceeds more than \$50.00, the requester is required to deposit 50% of the projected cost to produce the record(s). In addition, when that request exceeds or will exceed more than 30 minutes of staff time, the fee will include the staff cost of the public employee who prepares the request.

**GENERAL BACKGROUND**

On August 2, 2001, the Nebraska Attorney General issued an opinion on Nebraska Revised Statute, 84-712. In the opinion, the attorney general concluded, “ The legislative history of LB 628, the bill which became 84-712, (3)(b), indicates that the actual cost charged by public bodies for making photocopies of public records available may also include the cost of the staff time of the public employees involved in that process.”

Nebraska State Statute, 84-712 (d) states, “If copies requested.....are estimated by the custodian of such public records to cost more than fifty dollars, the custodian may require the requester to furnish a deposit prior to fulfilling such request.”

**GUIDELINE:**

Upon receipt of a written request for a public record, the following is a step-by-step procedure:

1. The applicant shall provide a written request to the department head for the record.
2. The department head where the request initiated and/or his/her designee will determine the amount of staff time required to produce the information. If the record will take less than 30 minutes to produce, the record will be produced and given to the applicant within 4 business days.
3. If the request will exceed more than 30 minutes of staff time, the department head where the request initiated will, pursuant to 84-712, notify the applicant, in writing of the following:
  - A) Give the earliest practicable date the city can fulfill the request.
  - B) Provide a cost estimate giving the requester an opportunity to modify his/her request.

- C) Upon cost approval from the requester, the department head will notify the applicant of the anticipated completion date and assign the appropriate staff member to respond.
  - D) If the request is denied, pursuant to State Statute §84-712.04, the department head shall write a letter to the requester outlining the reason for denial. The denial letter shall then be filed along with the initial request. Every department shall provide a copy of the denial letter and request to the City Clerk.
4. Once a request is completed, each department, excluding the fire and police department, shall provide a copy to the City Clerk.
  5. If the cost exceeds \$50.00 the applicant will be informed that no records will be produced until the request is modified or the applicant has provided a 50% deposit on the projected cost to produce the record(s).
  6. Upon completion of the request, the applicant will be notified and provided with an itemized detail of the staff time and other attendant charges. When the balance is paid, the applicant can pick the information up.
  7. Elected officials are exempt from the provisions requiring payment of fees.