

**SPARKS JUSTICE COURT POLICY ON
PUBLIC ACCESS TO ADMINISTRATIVE RECORDS**

KEVIN HIGGINS
Chief Judge, Sparks Justice Court

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CYNDA HORNING
Court Administrator, Sparks Justice Court

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I. SCOPE

This policy governs public access to Administrative Records retained by the Sparks Justice Court (SJC) in accordance with the Supreme Court’s Record Retention Schedule. As the SJC is an arm of the Judicial Department of the State of Nevada and subject to Supreme Court oversight, the Nevada Public Records Act (NRS 239.010 *et seq.*) is inapplicable to the provision of public access to Court Administrative Records.

This policy does not apply to Court Records of the SJC which are covered under separate policy.

Nothing in this policy shall be construed to require the SJC to index, compile, recompile, reformat, program or otherwise reorganize existing information to create new records not maintained in the ordinary course of business. Redaction of information, as may be required herein, is not deemed as creating a new record. The SJC has no obligation to an individual requester to complete checklists or answer questions contained in a request for Administrative Records.

II. DEFINITIONS

A. *Administrative Record*. “Administrative Record” means any document, information, data, or other item created, collected, received, stored, or maintained in the custody or exclusive control of the SJC pertaining to the administration of the SJC and that is not contained within a file or record of a court case. Court records are not administrative records. This term does not include notes, memoranda, correspondence, drafts, worksheets, and work product of judges and court personnel. Administrative records do not include documents, information, data, or items that may otherwise be publicly available from other sources. Unless otherwise provided in this policy, this definition applies equally to administrative records maintained in paper and electronic formats.

B. *Court Record*. “Court Record” means any document, information, exhibit, or other thing that is maintained, created, collected, or prepared by a court and is in the court’s custody or control in connection with open or closed judicial proceedings such as, but not limited to, indexes, calendars, dockets, registers of actions, court files, official records of proceedings, orders, decrees, judgments, minutes, and any information in a case management system. Administrative records are not court records. This term does not include notes, memoranda, correspondence, drafts, worksheets, and work product of judges and court personnel. Unless otherwise provided in this policy, this definition applies equally to court records maintained in paper and electronic formats.

- C. *Information*. “Information” means any alpha, numeric, audio, or image reproduction data that constitutes a record or any part thereof, regardless of the form or format (i.e., electronic, hardcopy, etc.)
- D. *Personal Identifying Information (PII)*. For purposes of this policy, “personal identifying information” has the meaning ascribed to in NRS 603A.040.
- E. *Public*. “Public” is any person, member of the media, business, non-profit entity, organization or association. The term does not include a party to a case; the attorney(s) of record in a case; or any federal, state, or local government entity, and employees or officials of such an entity if acting in their official capacities.
- F. *Public Access*. “Public Access” means that the public may inspect and obtain records as provided by law or as set forth in this policy.
- G. *Records Official*. “Records Official” is the official charged with the responsibility of the care, keeping, and supervision of the records. All references to Records Official include the Records Official and/or the Records Official’s designee.
- H. *Redact, Redaction*. “Redact, Redaction” means to protect from examination by the public and unauthorized personnel a portion or portions of a specific court or administrative record. Redaction may be required by the terms of this policy, law, court rule, decision or order, or federal statute or regulation.
- I. *Security Records*. “Security Records” means documents or information that would be likely to jeopardize or diminish the security of individuals, information, possessions, or property in the employment, possession, or custody of the SJC against theft, tampering, improper use, illegal disclosure, trespass, or physical injury (such as security plans or codes or individual records of telephone or cell phone calls). Examples of security records include, but are not limited to, employee key cardholder information and building access data, vehicle license numbers, private emergency contact information, video surveillance recordings, and cellular telephone numbers. Security records include any calendar information (other than court dockets) such as records of appointments or engagements whose release may reasonably be judged to pose a risk to any individual or constitute an unwarranted invasion of privacy.

III. GENERAL ACCESS TO ADMINISTRATIVE RECORDS OF THE SJC

- A. *Accessibility of Administrative Records*. Administrative records of the SJC are open to the public to the extent provided herein. All records made available for inspection or copying are subject to the redaction of personal identifying information before any inspection or copying may take place.

B. *Records Available to the Public.* For certain categories of information otherwise confidential, the following information is open to public access:

1. *Personnel, Employment Applicant, Unpaid Volunteer, Senior Justice/Judge, Pro Tempore Judge, Interns/Externs, or Independent Contractor Records.*

- (a) Name of individual.
- (b) Dates of employment or service.
- (c) Name of office or position to which the individual has been appointed or is employed.
- (d) Position classification, pay grade, and gross salary or pay.
- (e) Basis for and amount of any added remuneration.
- (f) Travel expenses as provided pursuant to existing SJC Travel Policy
- (g) Other expense reimbursements.
- (h) Type of work performed by individual.

2. *Contracts, Agreements.* Terms and contents are public unless confidential by law or contract provision. If a contract provision restricts disclosure, disclosure will be made according to the terms, clauses, and restrictions of the respective contracts, agreements, proprietary restrictions or licenses. The document clause providing for confidentiality may be disclosed unless such disclosure is restricted by law.

3. *SJC Correspondence, Policy, or Procedures.*

- (a) All formal records of a transaction or a receipt or final declaration of policy or procedures.
- (b) Committee reports and final administrative documents and reports, after approval and release.

C. *Records Not Available to the Public.* Certain categories of information are confidential or otherwise not in the control or custody of the SJC, and exempt from public disclosure, including but not limited to:

1. *Personnel, Employment Applicant, Unpaid Volunteer, Senior Justice/Judge, Pro Tempore Judge, Interns/Externs, or Independent Contractor Records.*

- (a) Personnel and payroll records and records of employment investigations, background checks, and disciplinary hearings.
- (b) Records on individuals collected because the individual is or was an applicant for employment.
- (c) Information about unpaid volunteers or externs other than that listed in B(1)(a)-(h) above.
- (d) Information about independent contractors other than that listed in B(1)(a)-(h) above.
- (e) Information about judicial officers and assignments other than that listed in B(1)(a) – (h) above.

- (f) Information about medical enrollment, changes, Family Medical Leave Act, Workers' Compensation, and other medical related documentation and correspondence.
2. *Personal Identifying Information (PII)*. PII collected by automated means over the Internet or other digital network, e.g., case management programs, is confidential if the SJC determines disclosure could potentially create negative consequences for the person(s) to whom the information pertains.
 3. *Testing Records*. Test questions, scoring keys, other examination data including testing results (unless the person tested has consented to the release) used in the administration of an examination given for employment, certification, or for inclusion on any roster.
 4. *Proprietary, Licensed, or Copyrighted Materials*. Contents of proprietary or licensed documents or materials received by the SJC. Copyrighted or patented materials in the possession and control of the SJC which the SJC did not create or produce, or for which the SJC does not hold the copyright or patent.
 5. *Computer Programs, Software, Code*. Computer programs are intellectual property owned or licensed by the SJC and are not public records. This includes proprietary software or software developed or purchased by or for the SJC's use including developed software code, even if such software or code is used to generate public records. Documentation and other records that describe the technical location, design, function, operation, or access control features of any SJC computer network, automated data processing or telecommunications systems. The records produced by said software may be public.
 6. *Competitive Bidding Records*. Terms and content of sealed bids, proprietary information within bids including the number of bids received prior to the opening of the bids at the time specified in the SJC's bid solicitation offer.
 7. *Trade Secrets*. Trade secrets and commercial or financial information obtained from a person that is of a privileged or confidential nature.
 8. *Any Draft Internal Correspondence Transmitted*. Internal correspondence related to SJC work product, policy, programs, evaluations, investigations, informal or preliminary audits or scenarios, internal budget deliberations/estimates/hypotheticals or fiscal notes that are not part of the final or publicly released budget or legislative process, or compliance reviews including materials prepared by a consultant.
 9. *Legal Work Product*. Legal and other work product and records of any judicial or quasi-judicial officer, attorney, paralegal, law clerk, intern, or extern employed by or representing the SJC produced in the regular course of business or representation of the SJC are exempt from disclosure, as well as all notes, memoranda or drafts prepared by a justice of the peace, pro tempore justice of the peace, hearing master, or other SJC personnel at the direction of any of the judicial officers listed and used in the course of deliberations on rule, policy or other administrative matters.

10. *Records Relating to Litigation.* Records pertaining to settled cases, including confidential settlement briefs presented to a judicial officer for the limited purpose of conducting a settlement conference and records related to litigation in which the SJC is a party to the action.
11. *Security Records.* See definition in Section II(I).
12. *Records Otherwise Made Inaccessible.*
 - (a) Records that are made inaccessible to the public pursuant to state or federal statutes, state or federal case law, rule, directive, Order of the Nevada Supreme Court, or item specific SJC policies or court orders.
 - (b) Information presenting a risk to personal privacy and/or safety, or the fair, impartial, and orderly administration of justice as determined by the Court Administrator or Chief Judge.

IV. PROCEDURES FOR REQUESTING ACCESS

A. Requests to Inspect or Copy Administrative Records

1. A request to inspect or obtain copies of Administrative Records must be made to the SJC in writing, utilizing the Public Records Request form approved by the Court. That form is available on the SJC's website at <https://washoecounty.gov/sjc> or may be retrieved in person at Sparks Justice Court, 1675 E. Prater Way, Suite 107, Sparks, Nevada 89434.
2. All requests must include sufficient detail to reasonably identify what public record is being sought. If the request does not provide sufficient information to identify or locate the record, the request will be returned.
3. Requests submitted by mail or email as follows:

Sparks Justice Court
Attn: Administrative Records Official
1675 E. Prater Way, Suite 107
Sparks, Nevada 89434
Email: SJCRecords@washoecounty.gov

B. Response.

1. The Records Official shall respond to a request for Administrative Records in accordance with the procedures set forth below as promptly as possible under the circumstances existing at the time of the request. The SJC response time may be influenced by several factors such as the availability of court staff, the number of pending records requests, the quantity of records requested, and the extent to which the requested records must be redacted pursuant to this policy.

2. Upon receipt of the records request, the Records Official shall, within five (5) business days of the receipt of the request, notify the requester, in writing:
 - a. The earliest date and time after which the records will be made available for inspection or copying without unreasonable disruption to the operations of the SJC, and an estimate of any costs to be charged in accordance with Section IV(D) of this policy; or
 - b. That the requested records are confidential, and the case, statute, rule, order, or policy that is the basis of the denial of the request; or
 - c. That the records do not exist.
3. If the Records Official determines that there will be a delay of more than five (5) business days from the date of receipt of the request before the Records Official can provide a response to the requester, the Records Official will notify the requester of the reasons for the delay and when a response will be provided.
4. If the Records Official determines that compliance with the request would create an undue burden on SJC or court operations, or if the number of records requested is so great that inspection or reproduction would create an unreasonable disruption to the work of the court, the Records Official may require that the request be limited by the requester, or the Records Official may limit the request.

C. Provision of Administrative Records.

1. Upon approval of a request to inspect Administrative Records by the Records Official, the requester will be allowed to inspect the records at the location where such records are kept at a date and time prescribed by the Records Official. If the requested record is solely maintained in an electronic format, the Records Official will make an electronic version available for inspection. If access to original Administrative Records would result in disclosure of information which is confidential, jeopardizes the security of the records, or is otherwise impractical, copies, redacted copies, or other appropriate formats may be produced for inspection. Unless expressly authorized by the Records Official or judicial order, records must not be removed from the location where they are normally kept.
2. Upon approval by the Records Official of a request for copies of Administrative Records, the Records Official will make such copies available at the location where such records are kept during business hours. If the Administrative Record is solely maintained in an electronic format, the Records Official may, at his or her discretion, provide electronic copies of the record by electronic mail.
3. Nothing in this policy requires the SJC to provide for inspection or copying of a public record in an electronic format or by means of an electronic medium if the record was not created or prepared in an electronic format and is not already available in an electronic

format. Even if available in an electronic format, the Records Official may restrict access if providing the public records would require the production of information that is confidential and that cannot be reasonably redacted, deleted, concealed or separated from information that is not otherwise confidential.

4. If the requester does not inspect or retrieve copies of the requested record during the period prescribed by the Records Official, the request will be deemed withdrawn but may be renewed by resubmission of the requests.

D. *Fees.*

The requester must pay the fee for preparing any copy, whether paper or electronic, as set forth in NRS 4.060.

1. The Records Official will provide the requester with an estimate of necessary fees and shall require prepayment. The Records Official may also waive any charge if the requester can demonstrate that they are indigent and unable to pay such costs.
2. Administrative Records will only be provided after the requester has paid all fees related to the request.

E. *Reconsideration of Denial of Access to Records.*

A request for reconsideration of a decision denying or limiting access to information must be made to the Chief Judge of the Sparks Justice Court in the form of a detailed letter within 30 calendar days from the date of the decision.