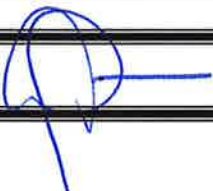


| | |
|---|--|
| Workforce Connections Administrative Policies Record Inspection | Admin-010-10 |
| New | |
| Policy Approved By: WC Executive Director Policy Adopted on: July 2016 |  |

Purpose:

To provide guidance and set forth procedures for access to inspect public record(s).

Background¹:

The Freedom of Information Act (FOIA) (5 U.S.C. § 552), often referred to as the embodiment of “the people’s right to know” about activities and operations of governmental entities established a presumption of public access to information held by executive branch departments and agencies. FOIA was enacted in 1966 to replace the “Public Information” section of the Administrative Procedure Act (APA) (5 U.S.C. Subchapter II²), after 11 years of legislative development in the House, and nearly six years of consideration in the Senate. The perception that agencies were not properly implementing FOIA has resulted in amendments in 1974, 1976, 1986, 1996, 2007, and 2010. FOIA allows any person-individual or corporate, citizen or not to request and obtain, without explanation or justification, existing, identifiable, and unpublished agency records on any topic.

Policy:

It is the policy of Workforce Connections (WC) to foster democratic principles by providing members of the public with access to inspect public record(s) to the extent permitted by law.

References:

Freedom of Information Act (FOIA) 5 U.S.C. § 552, as amended by PL No. 104-231, 110 Stat. 3048; Privacy Act of 1974; NRS Chapter 239 - Public Records; TEGL 39-11 Published on June 28, 2012.

Freedom of Information Act (FOIA)

The FOIA provides that any individual has the right to request access to “WC” public record(s). However, WC may withhold information pursuant to the following exceptions:

Records must be made available to the public under the FOIA, except for records that are:

- Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- Investigatory records compiled for law enforcement purposes;
- Specifically exempted by Federal, State statute or regulations;
- WIOA Title I program participant records, protected Personally Identifiable Information³ (PII).

¹ The background for this policy was adapted from “Congressional Research Services Report” January 23, 2014.

² The “Public Information” section was formerly Sec. 3 of the Administrative Procedure Act. (P.L. 79-404; 60 Stat. 238).

³ OMB Memorandum M-07-16, Safeguarding Against and Responding to the Breach of PII – May 22, 2007.

I. General Provisions:

- A.** An individual may submit a written request for public record(s) inspection to WC. The request must clearly describe the public record to enable WC's Record Official to properly identify the public record(s). The request must include if a copy of the public record(s) will be required. Oral requests for public record(s) will not be accepted by WC.
- B.** Once a request for inspection is made WC shall respond no later than the end of the fifth business day from the date of such request. The scheduling of date and time of the public inspection of the requested public record(s) shall be in the discretion of WC Record Official.
- C.** If WC does not have legal custody or control of the requested public record(s) WC, will provide notice of the fact and if available name and address of the entity that has the legal custody or control of the requested record(s).
- D.** If WC must deny the individual's request because the public record(s), or a part thereof, is confidential, WC will provide to the individual, in writing:
 - 1. Notice of that fact; and
 - 2. A citation to the specific statute or other legal authority that makes the public book or record, or a part thereof, confidential.
- E.** If a public record(s) is readily available for inspection or copying, the Record Official shall allow the individual who has submitted a request to inspect or receive a copy of a public record(s).

II. For the Purpose of this Policy - Definitions

Actual Cost:

Means a direct cost related to the reproduction of a public record. The term does not include a cost that a governmental entity incurs regardless of whether or not a person requests a copy of a particular public record.

Personally Identifiable Information – PII

OMB defines PII as information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual.

Record:

Means information in any format, including electronic format, prepared, owned, used, retained, published, in the possession of WC in the performance of its administrative capacity and official functions, from the time it was created (e.g., Board meetings, agendas, minutes for open meeting, request for proposals (RFPs)).

Record Official:

Defined by this policy as an individual designated by WC Executive Director to accept and process requests for access to public records under this policy.

Requester:

With respect to an individual who makes a request.

III. How to Make a Request

Requests under this policy for a record(s) must be written and received by mail, delivery service/courier, or fax.

Before submitting a request, individuals should ensure that the information they seek is not already in the public domain or located on the WC website. If the information is not in the public domain, the individual should submit the request as indicated above directly to the attention of WC Record Official.

A. Mail:

Please mark the outside of the envelope, "Request for Record Inspection"
Workforce Connections
6330 West Charleston Blvd., Suite 150
Las Vegas, Nevada, 89146

B. Fax:

Any individual may choose to fax a request to WC at:
WC Administrative offices – Clearly indicate "Request for Record Inspection"
Fax No. (702) 638-8774

IV. Public Inspection of Records - Procedure

A. Upon receiving a written request to inspect public record(s), WC Record Official shall furnish the requesting individual with a reasonable opportunity and reasonable facility for inspection and examination of public records.

B. Any individual shall be allowed to inspect public record(s) during WC regular business hours, not more than two (2) hours per day. The public does not have unlimited access to WC offices, and the individual may be required to inspect public record(s) at a designated office space and under the supervision of the WC Record Official.

C. WC Record Official shall inform any individual inspecting public records about the following:

1. No pens or ink may be used to take notes, only pencils; and
2. No taking photographs unless previously arrange and authorized by WC Executive Management.

D. Original public record(s) will not be released from WC offices. An individual may request that copies of public record(s) be provided subject to the following:

1. In coordination with WC Executive Director, the Record Official shall determine on a case by case basis when WC will provide copies of original records, to allow for blacking out exempt information, to protect old or very delicate original records, or because the original record is on a digital file or database not available for public inspection.
2. WC will use the most reasonable means for making copies of public record(s). WC shall waive all fees for the copying of public record(s) consistent with NRS 239.052 (2) (a).

E. The Record Official shall be responsible for identifying if record(s) requested for inspection by an individual are stored in digital files or electronic, even if the requester does not specify that in their request for inspection.

- F.** The Record Official shall ensure that no public record(s) is removed from WC premises without prior written approval from WC Executive Director;
- G.** Neither WC nor the Record Official shall be obligated to create record(s), list, report(s), or summary of information, this includes compiling or summarizing existing information in a new format and converting existing information to an electronic format.
- H.** Neither WC nor the Record Official are obligated to provide answers to oral or written questions or to perform any other functions unless previously authorized by WC Executive Director.

V. Appeals:

In the event an individual's request for public record(s) inspection is denied, in whole or in part, the individual may file a written appeal to WC in accordance to the following:

- A.** The individual must exhaust the remedies provided in this policy prior to seeking additional relief at a different venue;
- B.** The appeal must be in written format directed to WC Executive Director;
- C.** The appeal shall state with accuracy the basis for the appeal;
- D.** Appeals made under this section shall be made no later than 30 business days;
- E.** WC will issue final determination no later than 30 business days after receipt of the appeal.