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

Background:
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 II), 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or corporate citizen or not, to request and obtain, without explanation or justification, existing, identifiable, and unpublished agency records on any topic.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 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)
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:
- 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 or State statute or regulations;
- WIOA Title I program participant records, protected Personally Identifiable Information (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).
I. **General Provisions:**

A. An individual or entity may submit a written request for public record(s) inspection to WC. The request must describe, as specifically as possible, the type of record(s), the subject matter, dates and the proposed method of delivery. Oral requests for public record(s) will not be accepted.

B. Before submitting a request, the requester must ensure that the information they seek to inspect is not already in the public domain or located on the Workforce Connections’ website.

1. If the information is not in the public domain, the requester must submit the record(s) inspection request via e-mail to: requests@snvwc.org; or by mail to the following address:
   Workforce Connections
   6330 West Charleston Blvd., Suite 150
   Las Vegas, Nevada, 89146
   Attention: Workforce Connections’ Quality Assurance
   Mark the outside of the envelope, “Request for Record(s) Inspection”. The name of the requester must be clearly marked on the envelope.

2. If a requester elects to send their request via U.S. Postal Services, UPS, or any other type of delivery service, the requester is responsible for requesting proof of delivery date and time from their chosen carrier.

C. Workforce Connections is not mandated by law to create a public record(s) where none exists in order to respond to a request for inspection of public record(s).

D. Once a request for inspection of public record(s) is made, Workforce Connections shall respond no later than the end of the fifth business day from the date of such request.

E. If Workforce Connections does not have legal custody or control of the requested public record(s), Workforce Connections will provide notice of that fact and, if available, name and address of the entity that has the legal custody or control of the requested record(s).

F. If Workforce Connections must deny the request because the public record(s), or a part thereof, is confidential, WC will provide to the requester, 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.

G. If a public record(s) is readily available for inspection or copying, the Record Official shall allow the requester, who has submitted a request, to inspect or receive an electronic copy of the requested public record(s).

H. Exception from Disclosure
   There are several types of public records that are exempt from disclosure. Such public record(s) include, but are not limited to:
   1. Personal Identifiable Information (PII) (NRS 239B.030 (5)(a)) – Each governmental agency must ensure that any personal information contained in a document that has been recorded, filed or otherwise submitted to the governmental agency, which the governmental agency continues to hold, is maintained in a confidential manner;
2. Bids or proposals containing proprietary information (NRS332.061 (1)) – Proprietary information does not constitute public information, therefore is confidential;

3. Bids or proposals under evaluation or negotiation (NRS 332.061 (2)) - A bid or proposal which contains a provision that requires negotiation or evaluation shall not be disclosed until the bid or proposal is recommended for the award of a contract; and

4. Personnel records - Workforce Connections’ employee’s personal records are considered confidential.

II. Inspection of Public Record(s) - Procedure

A. Upon receiving a written request to inspect public record(s), Workforce Connections shall furnish a response consistent with Sec. I (D) of this policy.

B. In the event the public record(s) inspection will be conducted at Workforce Connections’ administrative office the requester will be allowed to inspect public record(s) during regular business hours, not more than two (2) hours per day. The public does not have unlimited access to Workforce Connections’ offices, and the requester may be required to inspect public record(s) at a designated office space and under the supervision of the Record Official.

C. The Record Official shall inform any individual inspecting public record(s), at Workforce Connections’ offices, about the following:
   1. Setting(s) and/or accommodations, as appropriate; and
   2. No taking photographs unless previously arranged and authorized by the Record Official.

D. Original public record(s) will not be released from Workforce Connections offices. Copies of public record(s) may be provided, as appropriate and applicable, subject to the following:
   1. In coordination with Workforce Connections’ Executive Director, the Record Official shall determine on a case-by-case basis when Workforce Connections 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 in a digital file or database not available for public inspection.
   2. Workforce Connections will use the most reasonable means for making copies of public record(s), as appropriate and applicable. 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 a requester 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 Workforce Connections’ premises without prior written approval from Workforce Connections’ Executive Director, whenever applicable or appropriate;
G. Neither Workforce Connections nor the Record Official shall be obligated to create record(s), list(s), report(s), or a summary of information, this includes compiling or summarizing existing information in a new format and converting existing information to an electronic format.

H. Neither Workforce Connections nor the Record Official are obligated to provide answers to oral or written questions or to perform any other functions unless previously authorized by Workforce Connections' Executive Director.

III. 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 Workforce Connections 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 Workforce Connections' Executive Director to accept and process requests for access to public record(s) under this policy.

Requester:
With respect to an individual or entity who makes a request to inspect a public record(s).

IV. Appeals:
In the event a request for public record(s) inspection is denied, in whole or in part, the requester may file a written appeal to Workforce Connections in accordance with the following:

A. The requester 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 Workforce Connections' 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. Workforce Connections will issue final determination no later than 30 business days after receipt of the appeal.