

**NEBRASKA INTERGOVERNMENTAL RISK MANAGEMENT ASSOCIATION**  
***POLICY REGARDING PUBLIC RECORDS REQUESTS***

The public is welcome to review public records “of or belonging to” the Nebraska Intergovernmental Risk Management Association (NIRMA) in accordance with the Nebraska Public Records Statutes, Neb. Rev. Stat. §§ 84-712 through 84-712.09. The following paragraphs set forth NIRMA’s internal procedures for handling of such requests.

1. TRANSMITTAL OF REQUESTS. All public record requests to NIRMA must be submitted in writing and should clearly describe the records sought. Those making verbal requests will be asked to reduce their request to writing. If a requester is unable to provide a request in writing, due to disability, NIRMA will provide accommodation as required by federal law, by accepting a different reasonable means of communicating the request. If a requester refuses to reduce his/her request to writing, the recipient should generate a writing setting forth his/her understanding of what records were verbally sought, the identity of the requester, and where response should be directed. Mailing is the preferred method of submitting a request for public record(s). NIRMA may disregard emails or attachments from unknown senders or origin, out of concern that these may contain viruses or other computer threats. NIRMA’s mailing address is as follows:

NIRMA, Attn: Executive Director  
PO Box 85210  
Lincoln, NE 68501-5210

2. PERSONS AUTHORIZED TO RESPOND. To ensure compliance with and consistency of response, public records requests received shall be immediately internally forwarded upon receipt to the NIRMA Executive Director, and NIRMA General Counsel or his/her Associate Counsel. Only one of these persons, or their designee, may grant/deny, or formally respond to a public records request on behalf of NIRMA.
3. CONTENT OF RESPONSE. Upon receipt of a written request for access to or copies of public record(s), a member of the Office of NIRMA’s General Counsel or its Executive Director will interface with appropriate staff to ascertain the location and volume of the record(s) requested, evaluate any applicable exceptions to access under Neb. Rev. Stat. §84-712.01, and calculate an estimate of any fees for requested copies of the record(s) in accordance with paragraph 4 below. The requester will then be provided, as soon as is practicable and without delay, *but not more than four business days after actual receipt of the request*, a written response setting forth any actual fees being charged or an estimate thereof, and one or more of the following:
  - a. Directions for access to, or copies of, the public record(s) in the form requested, unless the request would require generation of record(s) in a new or different form or format modified from that of the original

public record(s). If the document(s) requested are available on NIRMA's website, the response will direct the requester to the internet location of such records, instead of providing copies thereof, unless the requester advises that he/she does not have reasonable access to the internet;

- b. If there is a legal basis for denial of access or copies of particular records that are requested, a statement that all or specific portion(s) of the request are denied, together with the information specified in Neb. Rev. Stat. §84-712.04;
- c. If the entire request cannot with reasonable good faith efforts be fulfilled within four business days after actual receipt of the request due to the significant difficulty or the extensiveness of the request, or need for an advance deposit of fees as described below, a written explanation will be provided, including the earliest practicable date for fulfilling the request or pertinent portion thereof, and asking the requester to modify or prioritize the items within the request, as may be appropriate. Such written response will further explain that the requester shall have ten (10) business days to review the estimated costs, including any special service charge, and request the custodian to fulfill the original request, negotiate with the custodian to narrow or simplify the request, or withdraw the request.

**IMPORTANT NOTE:** In the event of a response as set forth in paragraph 3(c) above, if the requester does not reply to NIRMA within ten (10) business days of the date of such response with the necessary information, NIRMA shall not proceed to fulfill the request for record(s). If an appropriate reply is provided by the requester, the request will be re-evaluated, and a further response provided.

- 4. **FEES.** Fees shall not exceed the actual added cost of making the copies available. A requester shall, in general, be charged \$0.15 per page for black and white copies, and \$0.25 per page for color copies, to be reflective of cost of materials, computer run time, and any necessary analysis and programming by staff or a third party information technology services company, plus any postage paid for delivery of copies, and/or actual cost of any disc, flash drive, or reproduction that cannot be made using ordinary copying equipment. Duplicate copies will be counted as a separate copy.

If the request is from a Nebraska resident, and a response to the request requires efforts in excess of eight cumulative hours spent by a staff member or contractor to search, identify, physically redact, or copy records, a special service charge may be added to reflect the calculated labor cost of time spent by the appropriate staff member or contractor in excess of eight cumulative hours, but it will not include any charge for the services of any attorney who reviews the requested public records seeking a legal basis to withhold the public

records from the public, and it will not include any fee or charge for copies of blank forms or pages that have all meaningful information redacted.

If the request is from a nonresident of Nebraska, the actual added cost calculation may include charges for the proportion of the existing salary or pay obligation to the employees who spend time searching, identifying, physically redacting, copying or reviewing records in connection with the response, including a proportional charge for the services of an attorney to review the requested public records.

If estimated cost of copies upon initial evaluation exceeds \$50.00, a reasonable deposit may be required in advance of fulfilling the request.

5. **RESPONSE TIME.** The “four business days” time period permitted for response as described in paragraph 3 shall be computed by excluding the day the request is received, after which the designated period of time begins to run. Business day does not include a Saturday, a Sunday, or a day that the NIRMA office is closed. If the request is submitted electronically, the the date of receipt shall be the date that the recipient opens the electronic file. Otherwise, the date of receipt is the date that a written request is received by NIRMA.
6. **ACCESS AT NIRMA OFFICE.** If a request is for access to public records as opposed to copies of the same, pursuant to Neb. Rev. Stat. § 84-712(1)(a), a requester can make copies of public records using their own copying or photocopying equipment free of charge on NIRMA premises, unless federal copyright law provides otherwise, but only during NIRMA’s business hours, and after arrangement of a mutually convenient date and time. NIRMA reserves the right to have a staff member or legal counsel present with the requester during all examination/copying of its records to prevent inadvertent disclosure of non-public records.
7. **RETENTION.** The Office of NIRMA’s General Counsel will be responsible for maintaining a file of all letters of denial of requests for public records, which file shall be made available to any person upon request and arrangement of a mutually convenient time and place during NIRMA’s regular business hours. Responses which deny all or part of a request will be retained for a period of ten (10) years from the date of response. Fulfilled requests, responses, and related documents will be maintained at least two (2) years from completion of the response, or longer in the discretion of the NIRMA Executive Director.