



Department of Aviation

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Clark County Department of Aviation Public Records Request Policy (Revised May 8, 2019)

I. Policy

It is the policy of the Clark County Department of Aviation (“CCDOA”), operating on behalf of Clark County, Nevada, to operate an effective and efficient records management program that complies with all applicable state and federal laws.

CCDOA recognizes that Nevada’s public records laws (NRS 239.001-239.330) give members of the public the right to inspect and copy certain public records maintained by and in the legal custody or control of CCDOA. In accordance with these laws and its records management policy, CCDOA is committed to responding to requests to inspect or receive copies of public records maintained by and in the legal custody or control of CCDOA in an orderly, consistent, and lawful manner.

II. Definitions: records vs. nonrecords

In Nevada, **public records** are defined as information created or received pursuant to a law or ordinance, or in connection with the transaction of the official business of any office or department of a local governmental entity, including, without limitation, all documents, papers, letters, bound ledger volumes, maps, charts, blueprints, drawings, photographs, films, newspapers received pursuant to NRS 247.070, recorded media, financial statements, statistical tabulations, and other documentary materials or information, regardless of physical form or characteristics. (See, e.g., NRS 239.005, 239.080, 239.121; NAC 239.101, 239.570, 2239.575, 239.578, 239.597, 239.620, 239.660, 239.620, 239.705).

In contrast with public records, **nonrecord materials** are not subject to disclosure under Nevada’s public records laws. Nonrecord materials include drafts, convenience copies, ad hoc reports, reference materials not relating to a specific project, published materials printed by a governmental printer, worksheets, unused blank forms, brochures, newsletters, magazines, catalogs, price lists, and any other documentation that does not serve as the record of an official action of a governmental entity. (See, e.g., NAC 239.051, 239.705).



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III. Public Records Exempt from Disclosure

Public records that are deemed confidential by law are exempt from disclosure. The most common public records that are deemed confidential are as follows:

A. Personal Identifying Information – NRS 239B.030(5)(a). Each governmental agency shall 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 if the personal information is required to be included in the document pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant. “Personal information” is defined (NRS 603A.040) as a person’s first name or first initial and last name in combination with any one or more of the following data elements, when the name and data elements are not encrypted: (1) Social Security number; (2) driver’s license number, driver authorization card number or identification card number; (3) account number, credit card number or debit card number, in combination with any required security code, access code or password; (4) medical identification number or a health insurance identification number; or (5) user name, unique identifier or electronic mail address in combination with a password, access code or security question and answer that would permit access to an online account.

B. Bids and Proposals under Negotiation or Evaluation – NRS 332.061(2). Bids that contain a provision requiring negotiation or evaluation may not be disclosed until the bid is recommended for award of a contract. Upon award of the contract, all of the bids, successful or not, with the exception of proprietary/confidential information, are public record and copies shall be made available upon request.

C. Proprietary Information – NRS 332.061(1). Proprietary information does not constitute public information and is confidential.

D. Emergency Action Plans and Infrastructure Records – NRS Ch. 239C. Records detailing CCDOA’s emergency response plans and critical infrastructure are restricted and are confidential under state and federal law.

E. Personnel Records – All employee personnel records are confidential.

F. Databases Containing Electronic Mail Addresses or Telephone Numbers – NRS 239B.040. Electronic mail addresses and/or telephone numbers collected for the purpose of or in the course of communicating with CCDOA may be maintained in a database. This database is confidential in its entirety, is not public record, and it must not be disclosed in its entirety as a single unit.

G. Protected Medical Records – HIPAA 45 CFR Part 160 and Part 164. Medical records are confidential and may only be disclosed if authorized by the patient.

H. Attorney/Client Privileged Records – NRS 49.095. All attorney/client privileged records are confidential.

I. Restricted Documents – NRS 239C.090, 239C.210, 239C.220. A record that is prepared and maintained for the purpose of preventing or responding to an act of terrorism is confidential and is not subject to inspection by the general public.

J. Sensitive Security Information (“SSI”), as described in 49 CFR 15.1- 15.19 or as otherwise determined by CCDOA and its regulatory and law enforcement partners, including video, surveillance footage, and other sensitive information, is confidential and is not subject to inspection by the general public for security purposes.

K. Records Detailing Investigations or Relating to Litigation or Potential Litigation. Records involving criminal investigations, litigation or potential litigation are considered confidential.

L. Copyright Protected Material. If CCDOA maintains public records containing copyright protected material, CCDOA will permit the person making the request to inspect the copyrighted material, and may allow limited copying of such material if allowed under federal copyright law. CCDOA may require written consent from the copyright holder or an opinion from the copyright holder’s legal counsel before allowing copying of such materials.

IV. How public records requests are submitted and handled

It is recommended that public records requests be made through CCDOA’s web-based Public Records Center (accessible through www.mccarran.com/Records). Submitting requests in writing helps to reduce confusion about the information being requested, and effectively communicates your request to help ensure a timely response. Public records requests can also be made by calling CCDOA’s Public Records Office at (702) 261-7772, or by visiting the “Central Services” Office at McCarran International Airport, located on the Second Floor of Terminal 1, just outside the Security Checkpoint for the A & B Gates (5757 Wayne Newton Blvd, Las Vegas, NV 89111).

Requests should identify as specifically as possible the subject matter, approximate dates, types of records requested, and desired method of delivery of responsive records. A person may request a copy of a public record in any medium in which the public record is readily available. Within five (5) business days of receipt of a public records request, CCDOA will provide the requestor with one of the following responses:

- 1) The requested record has been located and CCDOA is making it available to the requestor.
- 2) CCDOA does not have, maintain, or keep legal custody or control of the requested record.
- 3) CCDOA does not have, maintain, or keep legal custody or control of the requested record, but is aware of another governmental entity that may do so; in this case, CCDOA will communicate to the requestor the name and address of the entity with legal custody or control of the record.
- 4) The record has been destroyed in accordance with CCDOA’s Retention and Disposition Schedule.

- 5) CCDOA has determined additional time is required to review the request, formulate a response, and/or search for and prepare responsive record(s), and indicates the date and time by which an update can be provided.
- 6) CCDOA is not yet able to provide a definitive reply, responsive records, or an estimated date and time when any records would be available because additional information or clarification is needed from the requestor regarding the request.
- 7) Access to the record, or any portion thereof, is denied due to confidentiality (in which case CCDOA will cite the specific statute or other legal authority that declares the record and/or any portion of the record to be confidential).

Public records requests apply only to existing records. Public agencies are not obligated under Nevada's public records laws to create data; generate new reports, documents, excerpts of audiovisual media; or otherwise create any new records to satisfy public records requests. (See, e.g., NAC 239.867).

Additionally, the Nevada Public Records Act also does not require agencies to:

- provide access to records that were not identified within the request
- make available agency non-records (see Section II)
- reconstruct a record lawfully destroyed prior to receipt of the request
- respond to requests for general information, conduct research, fill out checklists, or answer questions

V. Fees

NRS 239.052 authorizes CCDOA to charge a fee for providing a copy of a public record. CCDOA's current fee schedule can be found on CCDOA's website at: www.mccarran.com/Records.