Public Records- Board & Commission Edition

Ashley D. Turney, Reno City Clerk

- Overview of Public Records
- What's new?
- Examples
- Best practices and future

- ## What is a "public record"
  - ### Most everything*
- ## City Clerk's Office
  - ### Central Point
  - ### Per Charter "Record Keeper"
- ## CM Policy 103 (Effective 8/2/18)
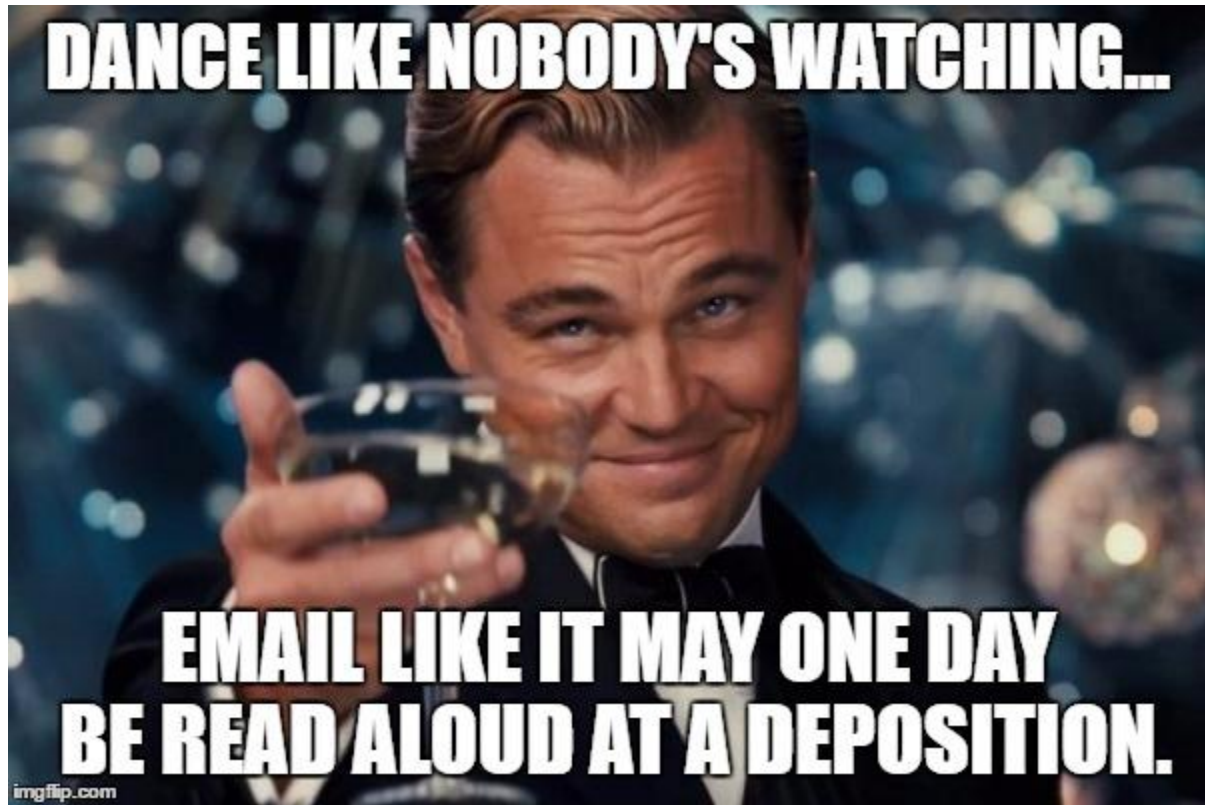
Records Management

- City of Reno Public Records System
  - Online Payments launched March 2018
  - Reno Police Department launched April 2018
  - 2018: Processed 11,587 requests
  - 2019: On track to process **16,392 requests**
    - (8,196 requests through Q2)
  - Significant growth due to increased access, flourishing economy, and centralization
  - Fulfilling primary goals of transparency and access

What's New?

- ## Smarsh Technology

- ## Nevada Supreme Court Case

- Public records electronically stored on private devices, accounts and systems are not categorically exempt from public disclosure under the Nevada Public Records Law. See, *Comstock Residents Assn. v. Lyon County Bd. of Commissioners*, 414 P.3d 318 (Nev. 2018).

- ## Your PERSONAL phone may be discoverable

- ## PRR Training and Test (employees)

Things To Know

- Your emails may public record
  - Calendars
  - Agendas
  - Notes
- Forwarding Attorney/Client Emails is not a "best practice"
- Text messages may be public record

DANCE LIKE NOBODY'S WATCHING...

EMAIL LIKE IT MAY ONE DAY BE READ ALOUD AT A DEPOSITION.

imgflip.com

Examples

From ██████████████.gov>
Subject ██████████████ to Bullet Points Related to Olive Grove Report
To Damon, Anjeanette <adamon@reno.gannett.com>

To protect your privacy, Thunderbird has blocked remote content in this message.

On Sep 1, 2016 7:01 PM, "Damon, Anjeanette" <adamon@reno.gannett.com> wrote:

I'm assuming you meant to send this to someone else? May I ask who?

From: ████████████████████████@reno.gov>
Date: Thursday, September 1, 2016 at 6:59 PM
To: "Damon, Anjeanette" <adamon@reno.gannett.com>
Subject: FW: ████████████ Response to Bullet Points Related to Olive Grove Report

FYI

From: Damon, Anjeanette [mailto:adamon@reno.gannett.com]
Sent: Thursday, September 01, 2016 5:42 PM

Examples

77539 ▮ "Good question "

77556 ▮ "Is ▮▮▮'s last name ▮▮▮? I wonder what ▮▮▮ is up to?"

77539 ▮ "Yes, why?"

77556 ▮ "Still thinking about what A▮▮▮ said"

77539 ▮ "Oh. ▮▮▮ thinks it's a shot at her because she went over ▮▮▮ head, and straight to ▮▮▮ about rehiring ▮▮▮▮▮ called her on it a

77556 ▮ "Piece of work"

77539 ▮ "Indeed."

923 "I just met with ▮▮▮ --OMG"

923 "Lol that's for sure. I could just take a page out of ▮▮▮'s book and tell her to grow up not everyone is going to like you"

- Texts and Data are the future

  - Metadata

  - Databases

  - Court cases

  - Texts, texts, and more texts

  - Significant increase

Public Records Training

Public records electronically stored on private devices, accounts or systems of City officers and employees are categorically exempt from public disclosure under the Nevada Public Records Law because the City does not have legal custody or control of these records.

   a) True.

   b) False.

Public records include information created or received by the City:

a) Pursuant to federal, state or local law.

b) In connection with the transaction of the official business of any City elected or appointed officer.

c) In connection with the transaction of the official business of any City office, department, board, commission, committee, subcommittee or council.

d) In connection with the provision of a public service.

e) All of the above.

A person who willfully and unlawfully removes, alters, mutilates, destroys, conceals or obliterates a record, map, book, paper, document or other thing filed or deposited in a public office, or with any public officer, by authority of law, is guilty of:

a) A misdemeanor for each public record destroyed.

b) A $500 civil penalty for each public record destroyed.

c) A category C felony.

d) A category D felony if malicious.

e) All of the above.

Questions/Suggestions/Input?