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Last Revised: Initial Policy adapted from existing procedures (2013)

Responsible University Office:
Records Officer/Office of Equity and Compliance

Responsible University Administrator:
Senior Advisor to the Chancellor for Executive Affairs

Policy Contact: Deb Huryta at hurytad@unk.edu

Public Records Request Policy

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Scope

Neb. Rev. Stat 84-712, et seq. provides the right to examine public records “of and belonging to” the University of Nebraska at Kearney (UNK). This policy covers such requests, which are also commonly referred to as “Freedom of Information Act” (FOIA) requests, and applies to all UNK employees and operations.

Policy Statement

To ensure compliance, processing, and consistency of response, all requests for public records from UNK shall be made to UNK’s Records Officer. Any UNK employee receiving a request should immediately communicate the request to the Records Officer. All requests will be reviewed by the Senior Advisor to the Chancellor for Executive Affairs and, as required, by NU Office of General Counsel. The Record’s Officer will also inform UNK’s Vice Chancellor of Communications and Community Relations of all requests.

UNK’s Records Officer will ensure that responses to public records requests shall be retained in accordance with UNK’s Records Retention and Disposition Schedules. Denials of requests for records and documents shall be retained permanently. *(For information about submitting a public records request, see “Procedures” section below).*

Public records include all records and documents, regardless of physical form, of or belonging to a state agency, a county, city or other governmental bodies listed in the statute. Records include, but are not limited to, printouts, electronic data, discs, tapes and photocopies. Statutory requirements indicate:

1. A reply must be made within four business days after actual receipt of a request. If the request is submitted electronically, the date of receipt shall be the date that the employee opens the electronic file.
2. The four business days after actual receipt do not include the first day of receipt of the written request. For example, a written request for records received on Monday would require a response by Friday.
3. If a copy of a public record is available on the Internet, the custodian is not required to copy the record, unless the requestor does not have access to the Internet.
4. The statutes allow the response to take one of three forms:
 - a) a grant of the request by providing records;
 - b) a denial of the request, citing the legal reasons for the denial; or
 - c) a communication that the request cannot be reasonably fulfilled within the standard four days due to some difficulty or the “voluminous” nature of the records requested (Neb. Rev. Stat. 84-712 (4)(c)). When an entire request cannot with reasonable good faith efforts be fulfilled within four business days after actual receipt of the request, UNK will provide a written explanation including the earliest practicable date for fulfilling the request, an estimate of the expected cost of any copies and special service labor charge (in excess of the first four cumulative hours spent searching, identifying, physically redacting, or copying records), and an opportunity for the requestor to modify or prioritize the items within the request. If the requestor does not respond to the records custodian within 10 business days, the records custodian shall not proceed to fulfill the request.
5. Upon approval, a response will be sent to the requestor. The preferred method of transmittal will be by email, with the response and documents (if included) converted to a PDF format. When the requestor does not provide an email address the response will be sent by mail.
6. If the cost of fulfilling a request exceeds \$50, UNK is permitted to require a deposit before beginning necessary processes associated with responding to the request. UNK will charge for actual costs incurred, whether higher or lower than estimated costs approved by the requestor. The following charges may be invoiced when sending the documents to the requestor:
 - a) 25 cents for each copy sized 8-1/2 X 11 or smaller, double-sided copies counting as 2 pages
 - b) 50 cents for each copy for legal size
 - c) Actual cost for each copy of a larger than legal size page (i.e. engineering drawing, etc.)
 - d) UNK may charge for staff salary associated with fulfilling the request (retrieval, compiling data, etc.). Pursuant to the Act, however, the cost will not include the first 4 hours of salary for the employee identifying or copying the records.
 - e) Some requests may require computer run time and any necessary analysis and programming for fulfillment. As such, costs related to programming, extracting, compiling, displaying data will vary on a case-by-case basis.

Procedures

No specific language is required for a public records request. However, any request should be submitted in writing with a clear description of records sought. Should a requestor, because of

disability, be unable to provide a request in writing, UNK will provide accommodations as required by federal law by accepting a different reasonable means of communicating the request.

To submit a request electronically (preferred), email Deb Huryta at hurtyad@unk.edu

To submit a request by mail, address to Deb Huryta, UNK Records Officer, Warner Hall 2113D, 2504 9th Ave, 68849-1220.

For information or questions contact Deb Huryta at 308-865-8404 or hurtyad@unk.edu

Related Information

Executive Memorandum No. 22 Public Records Requests:

<https://nebraska.edu/docs/president/22%20Public%20Record%20Requests.pdf>

Nebraska Public Records Law (from the Regents Bylaws & Policies page on nebraska.edu)

<https://nebraska.edu/docs/NebraskaPublicRecordsLaw.pdf>

UNK Records Retention Policy: <http://www.unk.edu/about/files/records-retention.pdf>

Executive Memorandum No. 29 Records Management and Procedure for Issuance of Preservation Notices:

<https://nebraska.edu/docs/president/29%20Policy%20on%20Records%20Management.pdf>

State of Nebraska and University of Nebraska Records Retention Schedule websites:

http://www.sos.ne.gov/records-management/schedule_170.html

<https://nebraska.edu/bylaws-and-policies/records-retention-schedules.html?redirect=true>

Additional Contacts

<i>Subject</i>	<i>Contact</i>	<i>Phone</i>	<i>Email</i>
Mary Chinock-Petroski	Chief Compliance Officer	308-865-8400	petroskimj@unk.edu
Kelly Bartling	Asst. Vice Chancellor of Communications and Community Relations	308-865-8455	bartlingkh@unk.edu

History

Initial Policy drafted from existing University procedures (developed 2013)