



PUBLIC RECORDS REQUESTS GUIDANCE

Prepared by: Office of the Vice President and General Counsel
University of Nebraska
3835 Holdrege Street
Lincoln, Nebraska 68583-0745
402-472-1201
FAX: 402-472-2038

1. Introduction

The Nebraska Public Records Act (Neb. Rev. Stat. § 84-712, et seq.) provides the right to examine public records “of and belonging to” the University. The University is committed to complying with the law and supports the underlying philosophy of public sector transparency. This guidance is provided to assist in timely and consistent responses to public records requests.

2. What is a public record?

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 (Neb. Rev. Stat. § 84-712.01, et seq.). Commonly requested public records are contracts; financial records; reports; and letters, e-mails, and other forms of communication.

The physical location of a record does not in itself determine whether a record is “of or belonging to” the University such that it is a public record. For example, the University may have access to a record on a non-University sponsored website, or an employee may have a copy of their birth certificate in their University office desk drawer. However, these are not records “of and belonging to” the University. Similarly, an employee may take a file out of the office to use while working from home. The fact that the file has left the work premise does not change the fact it is a record “of and belonging to” the University.

The Office of the Vice President and General Counsel should be contacted if any questions or issues arise concerning whether a record is a public record.

3. Are electronically stored records subject to the Nebraska Public Records Act?

Yes. Electronically stored records are subject to this law, including e-mails and text messages. The Nebraska Public Records Act is clear that “[d]ata which is a public record in its original form shall remain a public record when maintained in computer files.” (Neb. Rev. Stat. § 84-712.01).

Members of the public have the right to make a request to examine and obtain copies of emails sent/received on University email accounts or text messages in which University business is conducted that are maintained on personal devices. Certain records, such as unpublished research in progress,

proprietary or trade secret information, and personal information in personnel and student records are protected from disclosure. However, most other University data and records maintained in electronic form require disclosure if a public records request is made.

For additional guidance related to electronic records, please see Executive Memorandum No. 16 (“Policy for Responsible Use of University Computers and Information Systems”).

4. What is a public records request?

There is neither a required format for a public records request nor “magic” words a requester must use to make a valid request. A public records request is a request and description of the record(s) sought. Generally, requests for public records must be in writing, and written requests clarify the exact nature of the records sought and can lead to a more precise and efficient response. If a requestor with a disability is unable to provide a request in writing, the University will accommodate the individual, as required by federal law, by accepting a different reasonable means of communicating the request.

Requests may be made in different forms, including e-mail, postal mail letter, or through the University’s online public requests portal. Records requests do not have to be submitted to a particular University employee; any University employee could receive a request that obligates the University to respond.

5. What should you do if you receive a public records request?

University employees should forward a copy of the request in its entirety immediately to Molly McCleery, Associate General Counsel and Director University Records (mollymccleery@nebraska.edu or 402-472-1201). As a University official, you may be asked to assist with collection, coordination, and compilation of records responsive to the public records request.

6. How long does the University have to respond to a public records request?

A response must be made within four business days. If the request is submitted electronically, the date of receipt shall be the date that the University official opens the electronic file. The four business days is computed by excluding the day a request is received and does not include Saturdays, Sundays, or days during which University offices are closed. (Neb. Rev. Stat. 84-712(4)). Each request should be evaluated for an estimated length of time required to gather the records. The volume of records requested, the proximity of the location where the records are stored, and the necessity for any legal review of the records requested and redaction of exempt information should be considered when preparing the response.

7. What form does a public records response take?

The statutes allow the response to take one of three forms: (1) a grant of the request, providing the records; (2) a denial of the request, citing the legal reasons for the denial; or (3) a communication that the request cannot be fulfilled with reasonable good faith efforts within four business days due to the significant

difficulty or extensiveness of the request and the earliest practicable date for fulfilling the request. (Neb. Rev. Stat. § 84-712(4)). University officials are not required to abandon all other University duties to accommodate a response to the request within four days.

8. What does the University charge for public records?

The University may charge a fee for providing copies of records, including the actual added cost of making photocopies available. Charges shall be determined by the Office of the Vice President and General Counsel to ensure the charge is consistent with the law. If the cost of fulfilling a request exceeds \$50.00, the University is permitted to require a deposit prior to beginning the work associated with the request.

For requesters who are Nebraska residents, the cost cannot include charges for the existing salary or pay obligation of University employees with respect to the first eight cumulative hours of searching, identifying, physically redacting, or copying records. For voluminous requests that require time in excess of eight cumulative hours, a charge reflecting labor cost may be assessed. However, the cost may not include a charge for attorneys or others to engage in legal review. (Neb. Rev. Stat. § 84-712(3)(c)). News media, without regard to domicile, are considered Nebraska residents for purposes of the Nebraska Public Records Act. (Neb. Rev. Stat. § 84-712(5)).

For requesters who are not Nebraska residents, the cost may include a charge for the proportion of the existing salary or pay obligation of public officers or employees, including a proportional charge for the services of an attorney to review the requested public records, for the time spent searching, identifying, physically redacting, copying, or reviewing such records. (Neb. Rev. Stat. § 84-712(3)(d)).

9. Can anyone, including the news media, make a public records request? Does it matter why someone is requesting a particular record?

Yes. The public records laws benefit all persons. News reporters commonly use public records requests as tools to gather information. The University cannot consider the reason for the request in determining whether and to what extent disclosure of the records is required.

10. Are there recordkeeping requirements related to public records requests?

Yes. The Office of the Vice President and General Counsel shall retain the records of responses to public records requests in accordance with the University's Records Retention and Disposition Schedules. Denials of public records requests shall be retained permanently in the Office of the Vice President and General Counsel.

11. What information about University personnel is subject to disclosure under the Nebraska Public Record Act public record?

For faculty and staff, salary and “routine directory information,” as defined by Board of Regents Policy 6.7, are considered public records. Routine directory information includes:

- 1) Name of the person employed by the University;
- 2) Date of employment;
- 3) Type of University personnel appointment or appointments held and term of each appointment;
- 4) Title or academic rank;
- 5) University employment address;
- 6) University telephone number;
- 7) University e-mail address;
- 8) Postsecondary education degrees earned;
- 9) Awards or honors; and
- 10) Date of separation from University employment.

Last Updated: March 25, 2026