

City of Sidney, Nebraska

1115 13th Avenue P.O. Box 79 Sidney, NE 69162 Phone (308) 254-5300 Fax (308) 254-3164



REQUEST FOR OPEN RECORDS

The City of Sidney complies with information requests under Nebraska Statute 84-712 et al, which is the governing statute for Nebraska cities for releasing information to the public. The requested data will be released within no more than four working days based on the level and complexity of the data request. If a request is denied, the City of Sidney will provide reasons for denial in writing.

As of the date on this form, copying fees for 8 1/2 x 11/14 copies (each side) will be 50¢ per black and white copy and 75¢ per color copy, and \$5.00 per copy of Council meeting DVD. Other larger copies, i.e. maps, etc. will be at the posted fee for those items. The City reserves the right to assess labor costs involved in retrieving information after the first eight cumulative hours (in Nebraska) fulfilling the request.

Information Provided by Requester

Date of Request
(Please print legibly on form)

Name	Phone
Mailing Address	Fax if applicable
	Email Address

PLEASE LIST ALL DOCUMENTS REQUESTED AS SPECIFICALLY AS POSSIBLE, OR DESCRIBE THE INFORMATION NEEDED. INCLUDE APPROXIMATE DATE OF RECORDS REQUESTED AND ADDRESS OR LEGAL DESCRIPTION IF PERTINENT:

- I request to (please check all that apply):**
- Inspect the records named/described at City Hall
 - Obtain paper copies
 - Obtain electronic copies if available
 - Have copies sent by facsimile

I agree to pay the costs of photocopying, duplication, including the labor costs after the first eight cumulative hours (residents) involved in retrieving information. Non-resident labor costs begin upon retrieval. I understand the City of Sidney may withhold information which is not considered public information under the Nebraska Open Records Act. I also understand that the City of Sidney is required to release only those documents that exist in their current state, and the City is not required to compile or create specific information or formats for my use.

Requester Signature X _____ **Printed Name** _____

FOR CITY USE ONLY

Date request received by City:	Name of Employee: _____	Hours: _____	Cost: _____
Date of City Response:	Name of Employee: _____	Hours: _____	Cost: _____
	Name of Employee: _____	Hours: _____	Cost: _____

Comments:	Number of documents found/copied:
	Cost of documents including mailing costs, if applicable:
	Total Cost:
	ID Assigned

NEBRASKA STATE LAW 84-712.

Public records; free examination; memorandum and abstracts; copies; fees.

(1) Except as otherwise expressly provided by statute, all residents of this state and all other persons interested in the examination of the public records as defined in section 84-712.01 are hereby fully empowered and authorized to (a) examine such records, and make memoranda, copies using their own copying or photocopying equipment in accordance with subsection (2) of this section, and abstracts therefrom, all free of charge, during the hours the respective offices may be kept open for the ordinary transaction of business and (b) except if federal copyright law otherwise provides, obtain copies of public records in accordance with subsection (3) of this section during the hours the respective offices may be kept open for the ordinary transaction of business.

(2) Copies made by residents or other persons using their own copying or photocopying equipment pursuant to subdivision (1)(a) of this section shall be made on the premises of the custodian of the public record or at a location mutually agreed to by the requester and the custodian.

(3)(a) Copies may be obtained pursuant to subdivision (1)(b) of this section only if the custodian has copying equipment reasonably available. Such copies may be obtained in any form designated by the requester in which the public record is maintained or produced, including, but not limited to, printouts, electronic data, discs, tapes, and photocopies. This section shall not be construed to require a custodian to copy any public record that is available to the requester on the custodian's website on the Internet. The custodian of the public record is required to provide the location of the public record on the Internet to the requester. If the requester does not have reasonable access to the Internet due to lack of computer, lack of Internet availability, or inability to use a computer or the Internet, the custodian shall produce copies for the requester as provided in this section.

(b) Except as otherwise provided by statute, the public body, public entity, or public official which is the custodian of a public record may charge a fee for providing copies of such public record pursuant to subdivision (1)(b) of this section, which fee shall not exceed the actual added cost of making the copies available. For purposes of this subdivision, (i) for photocopies, the actual added cost of making the copies available shall not exceed the amount of the reasonably calculated actual added cost of the photocopies, which may include a reasonably apportioned cost of the supplies, such as paper, toner, and equipment, used in preparing the copies, as well as any additional payment obligation of the custodian for time of contractors necessarily incurred to comply with the request for copies, (ii) for printouts of computerized data on paper, the actual added cost of making the copies available shall include the reasonably calculated actual added cost of computer run time and the cost of materials for making the copy, and (iii) for electronic data, the actual added cost of making the copies available shall include the reasonably calculated actual added cost of the computer run time, any necessary analysis and programming by the public body, public entity, public official, or third-party information technology services company contracted to provide computer services to the public body, public entity, or public official, and the production of the report in the form furnished to the requester.

(c) For **residents of Nebraska**, the actual added cost used as the basis for the calculation of a fee for records shall not include any charge for the existing salary or pay obligation to the public officers or employees with respect to the first eight cumulative hours of searching, identifying, physically redacting, or copying. A special service charge reflecting the calculated labor cost may be included in the fee for time required in excess of eight cumulative hours, since that large of a request may cause some delay or disruption of the other responsibilities of the custodian's office, except that the fee for records shall not include any charge for the services of an attorney or any other person to review the requested public records seeking a legal basis to withhold the public records from the public. No special service charge or fee shall be charged for copies of blank forms or pages that have all meaningful information redacted.

(d) For **nonresidents of Nebraska**, the actual added cost used as the basis for the calculation of a fee for records may include a charge for the proportion of the existing salary or pay obligation to the 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.

(e) State agencies which provide electronic access to public records through a portal established under section 84-1204 shall obtain approval of their proposed reasonable fees for such records pursuant to sections 84-1205.02 and 84-1205.03, if applicable, and the actual added cost of making the copies available may include the approved fee for the portal.

(f) This section shall not be construed to require a public body or custodian of a public record to produce or generate any public record in a new or different form or format modified from that of the original public record.

(g) If copies requested in accordance with subdivision (1)(b) of this section are estimated by the custodian of such public records to cost more than fifty dollars, the custodian may require the requester to furnish a deposit prior to fulfilling such request.

(h) The custodian may waive or reduce any fee described in this section if the waiver or reduction of the fee would be in the public interest. Waiver or reduction of the fee is in the public interest if disclosure of the public record at issue is likely to contribute to the understanding of the operations or activities of government and is not primarily in the commercial interest of the person requesting such records.

(4) Upon receipt of a written request for access to or copies of a public record, the custodian of such record shall provide to the requester as soon as is practicable and without delay, but not more than four business days after actual receipt of the request, an estimate of the expected cost of the copies and either (a) access to or, if copying equipment is reasonably available, copies of the public record, (b) if there is a legal basis for denial of access or copies, a written denial of the request together with the information specified in section 84-712.04, or (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, a written explanation, including the earliest practicable date for fulfilling the request, an estimate of the expected cost of any copies, and an opportunity for the requester to modify or prioritize the items within the request. The requester shall have ten 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. If the requester does not respond to the custodian within ten business days, the custodian shall not proceed to fulfill the request. The four business days 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 during which the offices of the custodian of the public records are closed.

(5) For purposes of sections 84-712 to 84-712.09, resident means a person domiciled in this state and includes news media without regard to domicile.

Source

R.S.1866,c.44,§1,p.297;R.S.1913,§5595;C.S.1922,§4902;Laws 1925,c.146,§1,p.381;Laws 1927,c.193,§1,p.551;C.S.1929,§84-712;R.S.1943,§84-712;Laws 1961,c.454,§3,p.1383;Laws 1979,LB86,§1;Laws 2000,LB628,§1;Laws 2012,LB719,§6;Laws 2013,LB363,§1;Laws 2024,LB43,§8.

Operative Date: July 19, 2024

Annotations

Section 83-1,125.01(2) is an "other statute" under subsection (1) of this section that expressly provides individual files shall not be made public. *Jacob v. Nebraska Bd. of Parole*, 313 Neb. 109, 982 N.W.2d 815 (2022).

A statute qualifies as an "other statute" under subsection (1) of this section when the plain language of a statute makes it clear that a record, or portions thereof, is exempt from disclosure in response to a public records request. *State ex rel. BH Media Group v. Frakes*, 305 Neb. 780, 943 N.W.2d 231 (2020).

An "other statute" exemption does not allow a court to imply an exemption, but only allows a specific exemption to stand. *State ex rel. BH Media Group v. Frakes*, 305 Neb. 780, 943 N.W.2d 231 (2020).

A party seeking a writ of mandamus under section 84-712.03 has the burden to satisfy three elements: (1) The requesting party is a citizen of the state or the other person interested in the examination of the public records; (2) the document sought is a public record as defined by section 84-712.01; and (3) the requesting party has been denied access to the public record as guaranteed by this section. *Evertson v. City of Kimball*, 278 Neb. 1, 767 N.W.2d 751 (2009).

Dockets of justice containing entry of judgments are public records. *State ex rel. Newby v. Ellsworth*, 61 Neb. 444, 85 N.W. 439 (1901). Party was not entitled to inspection of certified copy of court reporter's record before same is offered in evidence. *Spielman v. Flynn*, 19 Neb. 342, 27 N.W. 224 (1886).

Any person interested may examine records without charge, and fee book of clerk of court is public record. *State ex rel. Griggs v. Meeker*, 19 Neb. 106, 26 N.W. 620 (1886).

Numerical indexes of instruments concerning title to real estate kept by county clerk are public records. *State ex rel. Miller v. Sovereign*, 17 Neb. 173, 22 N.W. 353 (1885).

The Nebraska Department of Correctional Services had no obligation to transport an inmate in its custody to an office where a particular record was located to examine the record. *Russell v. Clarke*, 15 Neb. App. 221, 724 N.W.2d 840 (2006).

Revised 8/22/2014 to change filing procedure to City Clerk's Office rather than City Manager's Office

Revised 11/25/2018 to change amount requested for black and white and color copies

Revised 1/27/2025 to change number of hours to retrieve information