

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
569**

CONFIDENTIALITY OF INMATE RECORDS

Supersedes: AR 569 (04/08/11, Temporary 12/03/12)
Effective Date: 12/17/12

AUTHORITY: NRS 179A.090, NRS 209.131, NRS 209.251, NRS 629.061

RESPONSIBILITY:

The Offender Management Administrator (OMA) is responsible for compliance of this regulation, and the Correctional Case Records Manager (CCRM) is responsible for operational compliance.

Wardens/designee will work with the OMA and CCRM to ensure compliance with this regulation.

All Departmental staff are to be aware of the requirements of this regulation to ensure that confidential inmate information is not inappropriately disclosed.

569.01 SECURITY OF INMATE INFORMATION

1. Only Departmental and designated contract staff will be permitted access to Departmental records containing inmate information during the normal course of their duties.
2. Questions pertaining to access to inmate information and/or Departmental records containing inmate information should be directed to the Warden/designee, the CCRM, or the OMA.
3. Inmates will not be used in the handling of any inmate record or any document designated to be placed in an inmate file.
4. Departmental records should not be taken from their designated storage areas unless specifically approved by institutional procedures.
5. Except during approved inmate transfers inmate records will not be taken off institutional/facility grounds without specific approval of the Warden/Designee.
 - A. Written receipts will be maintained on all such removals.

B. Central Files (C-Files) will not be removed from central office without the approval of the CCRM or OMA.

6. A system will be developed to track the removal of C-Files and Institutional Files (I-Files) from their designated storage areas.

7. Files should not be left unattended when they are away from their storage area and should be returned to the designated storage area at the end of the workday.

569.02 DISCLOSURE OF INMATE INFORMATION

1. The disclosure of inmate information, whether written or verbal, outside the realm of an employee's duties is prohibited.

2. Employees should not discuss any information regarding inmates in the presence of persons not authorized to have that information.

3. Information pertaining to an inmate will be disclosed only when a defined need to know has been ascertained and the identity of the requester has been verified.

A. The decision on disclosure will be made by the Warden/Designee, OMA or CCRM.

B. Only employees who have been specifically designated by the OMA or CCRM may disclose information from any Departmental record.

4. Disclosure of inmate information, including Departmental records containing inmate information, may be made to the following persons, offices or agencies:

A. Governor and the Governor's staff.

B. Attorney General and Attorney General's staff.

C. Secretary of State and Secretary of State's staff.

D. A Legislator or the Legislative Counsel Bureau's staff.

E. Departmental employees, as necessary.

F. Attorneys or appointed guardians or conservators of inmates for the purpose of verifying or challenging the record after obtaining reasonable verification of status and, if appropriate, upon receipt of the inmate's written consent or the written consent of the inmate's guardian or conservator.

G. A person of another governmental agency when a transfer of information is necessary for the Department to perform its constitutional or statutory duties. This includes any county or municipal sheriff.

H. A government entity when required by state law or federal law.

I. A law enforcement agency when required for investigation.

J. To a person or governmental organization when necessary to obtain information for an investigation by the Department.

K. To State Archives.

5. Inmate information which may be disclosed to the public or the news media is limited to the following:

A. Name used by the inmate at the time of the conviction.

B. Department identification number.

C. Commitment offenses.

D. County of commitment.

E. Date of incarceration.

F. Sentence Structure.

G. Any pending criminal court action on record.

H. Current institutional location (except safe keepers and boarder inmates).

I. Projected dates of release on parole or discharge.

J. Parole board actions.

6. Inmate information that is not specifically approved for disclosure within an NDOC Administrative Regulation is considered confidential for purposes of disclosure, does not constitute a matter of public record, and is not to be communicated and/or released to the general public or to the news media.

7. If an inmate desires to permit a third party to have access to his/her confidential or personal information contained within the Institutional File Records maintained by the Department, the inmate may authorize the Department to release such information, subject to applicable confidentiality and dissemination restrictions relating to the safety

and security of staff, inmates, the public and prison operations, by submitting a Consent for the Disclosure of Institutional File Records (DOC 2021).

A. The inmate must fully complete and sign the Consent for the Disclosure of Institutional File Records (DOC 2021) in the presence of a Departmental employee witness prior to the Department disclosing the inmate's confidential and/or personal information.

B. The Consent for the Disclosure of Institutional File Records (DOC 2021) has no effect on information which the Department deems confidential, information which is otherwise excluded from reproduction, and/or information which the Department deems improper for dissemination based upon considerations relating to the safety and security of staff, inmates, the public and prison operations.

C. The Consent for the Disclosure of Institutional File Records (DOC 2021) will be maintained in the I-File of the inmate.

8. Requests for information pertaining to interstate or state commitments should be referred to the OMA.

9. Administrative Regulation 120 News Media Contacts and Press Releases provides additional information regarding the disclosure of Departmental records containing inmate information.

569.03 DISCLOSURE OF RECORDS CONTAINING INMATE INFORMATION

1. Department records pertaining to an individual inmate that are not specifically approved for disclosure within an NDOC Administrative Regulation are considered confidential, are not public records, and are not to be disclosed/released to the general public or to the news media.

2. Departmental records will be screened by designated staff to remove information which the Department deems confidential, information which is otherwise excluded from reproduction, and/or information which the Department deems improper for dissemination based upon considerations relating to the safety and security of staff, inmates, the public and prison operations, prior to any disclosure and/or file review conducted by an inmate or other persons authorized by the Associate Warden, CCRM or OMA.

A. Inmate review of Departmental records, including I-Files, is governed by NDOC Administrative Regulation 568 Inmate Review of Departmental Records.

B. Inmate review of medical files is governed by NDOC Administrative Regulation 639 Medical Records.

3. Requests for Departmental records that contain inmate information that is not specifically approved for disclosure within an NDOC Administrative Regulation, including requests for inmate medical records, must be submitted in writing and accompanied by a valid, fully completed and signed consent/authorization permitting the Department to release the specific inmate information being requested and/or valid court order directing disclosure.

A. Requests for Departmental records that contain inmate information or inmate medical records must be submitted directly to the Correctional Case Records Manager (CCRM) of the NDOC Offender Management Division at 5500 Snyder Ave., Carson City, Nevada, 89702.

(1) Requests for Departmental records that contain inmate information or inmate medical records should never be submitted directly to the institution/facility.

B. Following receipt of a written request for Departmental record that contains inmate information or inmate medical records, the CCRM will review the same to ensure that all necessary information/documentation has been provided, and will either (1) forward an acknowledgement letter advising the requester that the Department will need thirty (30) days to respond to the request, or (2) forward a letter advising the requester that the Department cannot comply with the request for the reasons set forth therein.

(1) The thirty (30) days will be calculated from the date the request is stamped received by the CCRM.

4. The Department will charge a copying fee for the production of Departmental records that contain inmate information and/or production of inmate medical records. Additionally, if it is determined that a request for Departmental records that contain inmate information will necessitate the extraordinary use of NDOC personnel or technological resources, including the redaction of information which the Department deems confidential, information which is otherwise excluded from reproduction, and/or information which the Department deems improper for dissemination based upon considerations relating to the safety and security of staff, inmates, the public and prison operations, the Department may charge a reasonable fee to comply with such an extraordinary request.

A. The copying fee for production of Departmental records that contain inmate information will be assessed utilizing the per page rate set forth within the NDOC Fee Schedule for Public Records Requests. The fee, if any, charged for the extraordinary use of NDOC personnel or technological resources as a result of a request for production of Departmental records that contain inmate information will also be assessed utilizing the rates set forth within the NDOC Fee Schedule for Public Records Requests.

B. The copying fee for production of medical records will be assessed utilizing the per page rate set by NRS 629.061. No fee may be charged for the extraordinary use of NDOC personnel or technological resources as a result of a request for production of medical records.

5. The Department shall inform the requestor of the amount of the copying fees assessed for the production of Departmental records that contain inmate information and/or production of inmate medical records prior to processing the requested records, and provide the requestor with instructions regarding how the fees must be remitted.

A. If any fees are to be assessed for the extraordinary use of NDOC personnel or technological resources as a result of a request for production of Departmental records that contain inmate information, the Department shall also inform the requestor of the amount of any such fees prior to processing the requested records.

6. The requester must remit a money order or check, payable to "Nevada Department of Corrections," for the entire and exact amount of the fees assessed prior to the copies Departmental records that contain inmate information and/or medical records being made and/or delivered to the requestor.

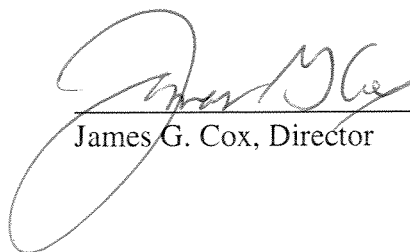
7. The NDOC reserves the right to schedule and prioritize copying of Departmental records that contain inmate information and inmate medical records dependent upon department workload.

569.04 MAINTENANCE OF INFORMATION

1. All records and files should be maintained by the timely filing of documents.
2. All documents should be filed in the C-File and I-File prior to the transfer of an inmate, or the transfer of the file to another entity.

APPLICABILITY

1. This regulation requires an Operational Procedure.
2. This regulation requires an audit.


James G. Cox, Director

12/10/12
Date