

9230.2 Specific State Statutes Addressing Denial of Information Access

84-712.04. Public Records Which May Be Withheld From The Public; Enumerated.

- (1) Any person denied any rights granted by sections 84-712 to 84-712.03 shall receive in written form from the public body which denied the request for records at least the following information:
 - (a) A description of the contents of the records withheld and a statement of the specific reasons for the denial, correlating specific portions of the records to specific reasons for the denial, including citations to the particular statute and subsection thereof expressly providing the exception under section 84-712.05 relied on as authority for the denial;
 - (b) The name of the public official or employee responsible for the decision to deny the request; and
 - (c) Notification to the requester of any administrative or judicial right of review under section 84-712.08.
- (2) Each public body shall maintain a file of all letters of denial of requests for records. This file shall be made available to any person on request. (Laws 1979; 1983.)

84-712.05. RECORDS WHICH MAY BE WITHHELD FROM THE PUBLIC; ENUMERATED.

The following records, unless publicly disclosed in an open court, open administrative proceeding, or open meeting or disclosed by a public entity pursuant to its duties, may be withheld from the public by the lawful custodian of the records:

- (1) Personal information in records regarding a student, prospective student, or former student of any tax-supported educational institution maintaining the records, other than routine directory information;
- (2) Medical records, other than records of births and deaths and except as provided in subdivision (5) of this section, in any form concerning any person, and also records of elections filed under section 44-2821;
- (3) Trade secrets, academic and scientific research work which is in progress and unpublished, and other proprietary or commercial information which if released would give advantage to business competitors and serve no public purpose;
- (4) Records which represent the work product of an attorney and the public body involved which are related to preparation for litigation, labor negotiations, or claims made by or against the public body or which are confidential communications as defined in section 27-503;
- (5) Records developed or received by law enforcement agencies and other public bodies charged with duties of investigation or examination of persons, institutions, or businesses, when the records constitute a part of the examination, investigation, intelligence information, citizen complaints or inquiries, informant identification, or strategic or tactical information used in law enforcement training, except that this subdivision shall not apply to records so developed or received relating to the presence of and amount or concentration of alcohol or drugs in any body fluid of any person;
- (6) Appraisals or appraisal information and negotiation records concerning the purchase or sale, by a public body, of any interest in real or personal property, prior to completion of the purchase or sale;
- (7) Personal information in records regarding personnel of public bodies other than salaries and routine directory information;
- (8) Information solely pertaining to protection of the physical security of public property such as guard schedules; lock combinations; or the security standards, procedures, policies, plans, specifications, diagrams, access lists, and other security-related records of the Lottery Division of the Department of Revenue and those persons or entities with which the division has entered into contractual relationships. Nothing in this subdivision shall allow the division to withhold from the public any information relating to amounts paid persons or entities with which the division has entered into contractual relationships, amounts of prizes paid, the name of the prize winner, and the city, village, or county where the prize winner resides; *[Continues—not relevant]*

84-712.08. Records; Federal Government; Exception.

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If it is determined by any federal department or agency or other federal source of funds, services, or essential information, that provision of this act would cause the denial of any funds, services, or essential information from the United States government which would otherwise definitely be available to an agency of this state, such provision shall be suspended as to such agency, but only to the extent necessary to prevent denial of such funds, services, or essential information. (Laws 1979.)