

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
AR 569**

CONFIDENTIALITY OF INMATE RECORDS

Supersedes: AR 569 (11.22.04)
Effective date: 11.14.08

AUTHORITY NRS 179A.090; 239.055; 209.131 and 209.251.

RESPONSIBILITY

The correctional case records manager (CCRM) of the Offender Management Division (OMD), and the associate warden or facility managers at camps and centers are responsible for 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 disclosed inappropriately.

569.01 SECURITY OF INFORMATION

1. Only departmental and designated contract staff will be permitted access to inmate files during the normal course of their duties.
 - A. Questions pertaining to file access should be directed to the associate warden or his designee, the CCRM or the Administrator of the Offender Management Division (AOMD).
2. Inmates will not be used in the handling of any inmate file or any document destined to be placed in an inmate file.
3. Records should not be taken from their designated storage areas unless specifically approved by institutional procedures.
4. Except during approved inmate transfers, inmate records will not be taken off of institutional grounds without the specific approval of the associate warden. Written receipts will be maintained on all such removed files.
 - A. Central files will not be removed from central office without the approval of the CCRM or AOMD.
5. A system should be developed to track the removal of central or institutional files from their storage areas. Written receipts will be maintained on all such removed files.

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

569.02 DISCLOSURE OF 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 associate warden, CCRM or AOMD.
- B. Only employees who have been specifically designated by the AOMD or CCRM may disclose information from any departmental record.

4. Disclosure of information may be made to the following persons, offices or agencies:

- A. To Governor and the Governor's staff.
- B. To the Attorney General and Attorney General's staff.
- C. To the Secretary of State and the Secretary's staff.
- D. To a legislator, or the legislative counsel bureau's staff.
- E. Departmental employees.
- F. Attorneys or appointed guardians or conservators of inmates for the purpose of verifying or challenging the record after obtaining reasonable verification of status.
- 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 sheriff.
- H. A government entity when required by state or federal law.
- I. A law-enforcement agency when required for investigation into unlawful activities.
- J. To a person or governmental organization when necessary to obtain information for an investigation by the department.
- K. To state records.

5. Prior to any file review by inmates or other persons authorized by the associate warden, CCRM, or AOMD, the file will be screened by designated staff to remove confidential information.

6. Requests for records must be submitted in writing. The CCRM will forward an acknowledgement letter advising the requester that the department will need 30 days to respond to the request. The 30 days will begin from the "date stamped received" on the original request.

7. The department will charge a fee in the amount of \$.10 per page for the production of records pursuant to NRS 239.052. The Department shall inform the requester of the amount of the fee prior to preparing the requested records.
8. If the records request requires an extraordinary use of personnel, the Department may charge an additional fee. The additional fee will be \$.50 per page
9. Information which may be released to the public or the news media includes the following:
 - A. The name used by the inmate at the time of conviction.
 - B. The department identification number.
 - C. The commitment offenses of the inmate.
 - D. The county of commitment.
 - E. Any pending court action on record.
 - F. The current location of the inmate if he is not a safe keeper or presently out-of-state from the department.
 - G. The projected expiration date.
 - H. Parole board actions.
10. Requests pertaining to interstate or state commitments should be referred to the AOMD.
11. Administrative Regulation 120, News Media Contacts and Press Releases, provides additional information regarding information that may be disclosed regarding inmates.
12. Department records, files, and information pertaining to an individual inmate, which are not specifically approved for release in this regulation are confidential, are not public record, and are not to be communicated to the general public or to the news media.
13. If an inmate desires a release of his confidential or personal information, he may authorize that release with DOC Form 2021.
 - A. The inmate must sign this consent form prior to the release of information.
 - B. The form will be maintained in the institutional file.
 - C. The authorization has no effect on information which is confidential to the Department.

569.02 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 central and institutional files prior to the transfer of an inmate, or the transfer of the file to another entity.

569.03 APPLICABILITY

1. This regulation requires an operational procedure for the offender management division, the medical division, the support services division, and all institutions and facilities.

2. This regulation requires an audit.

REFERENCE: None

Howard Skolnik, Director

Date