

ELKHORN RURAL PUBLIC POWER DISTRICT

POLICY #3400

REQUESTS FOR DISTRICT INFORMATION

I. Objective

To describe the policy and the procedure whereby customers may obtain information about their district, and to describe such information that may not be released because of its special or confidential nature.

II. Policy

Nebraska Revised Statute section 84-712 provides that all persons interested in the examination of public records are fully empowered and authorized to examine and make copies of public records. Such inspection and copying shall be completed during normal business hours. In furtherance of this state statute, the district will make available to interested persons public information requested that is not otherwise protected from public access by federal or state law or other reasons including but not limited to those items enumerated in Nebraska Revised Statute section 84-712.05. Such information shall be available at the district headquarters in Battle Creek, Nebraska.

- a. Interested persons will be provided copies of routine information, including rate schedules, services rules and regulations, articles of incorporation, by-laws, board policies, operating and other financial reports that are regularly presented to the board, customer publications, agendas, minutes of board meetings, and their personal billing history.
- b. Other information will be provided excluding information that is protected under federal or state law, or which is confidential or private concerning individuals employed by the district, such as:
 1. Wages or salaries and benefits of specific employees.
 2. Any employee's (including the General Manager's) personnel file or records, or any other person's file or record if and to the extent such would entail, or run significant possibility of entailing, an invasion of such employee's or other person's privacy.
- c. Information which is of a confidential corporate nature will not be provided to customers or other persons, such as:

1. The names, addresses or telephone numbers of customers, past and/or current; or,
 2. Any information that constitutes a trade secret, process, program, trademark, or other legally protectible confidential information or thing owned, protected in confidentiality by contract, by the district.
 3. Any information protected by law.
- d. Any request for information (other than information included within Section II (a)) shall be made in writing on an Information Request Form, which is attached and made a part of this policy.
- e. The Information Request form as executed will be reviewed by the General Manager who, before acting thereon, will consult with the District's general counsel. If determined that the request is for information which is allowed by law and not otherwise confidential than the district will provide for the time and manner for making such information available during normal business hours. If there is internal disagreement as to whether to provide the requested information, the matter will be referred to the Board of Directors for determination. In no case may non-routine information be released, except as provided by this policy.
- f. The following principles will be followed when considering a request for information:
1. Board committee and staff committee meeting minutes will not be furnished as a whole; rather, the District will research and furnish copies of excerpts that contain or substantially relate to the information specifically requested.
 2. Information concerning Director compensation and expenses will be made available, as well as the record of their attendance at meetings, if the request cites a purpose for such information.
 3. Information made available is not required to be in a new or different form or format modified from the original public record.
- g. Without regard to the action that is or may be taken in response thereto, the General Manager will report to each meeting of the Board of Directors

with respect to any member information requests received since the last such report.

- h. Copies will be made upon written request.
- i. A reasonable fee may be charged for labor and materials involved with the inspection and copying of records.
- j. The District will make every effort to keep customers fully informed.

III. Responsibilities

- a. The General Manager will be responsible for the administration of this policy and shall seek the advice and counsel of the Board of Directors as necessary.
- b. It will be the responsibility of the General Manager and his/her staff to implement this policy, in coordination with the district's general counsel.
- c. It shall be the responsibility of the Board of Directors to implement this policy when member information requests are submitted to it for consideration and decision as herein provided for.

Adopted: August 14, 1990
Reviewed: September 11, 2000
Revised: October 12, 2010

APPLICATION TO INSPECT BOOKS AND RECORDS OF
ELKHORN RURAL PUBLIC POWER DISTRICT

The undersigned hereby does make application to inspect certain of the books and records of Elkhorn Rural Public Power District and in support thereof makes the following application:

1. Applicant () is () is not a customer of the above- mentioned public power district.

2. Applicant states that his purpose in seeking inspection is:

3. The books and records which the applicant wishes to inspect are specifically described as follows:

4. The applicant would like to make inspection at the following date and time, or such other time as such books and records may conveniently be made available:

5. If the request is made on applicant's own behalf plus that of others, please state the names, addresses and telephone numbers of the others (state only names of persons who have authorized you to request this information on their behalf):

(Attach additional pages if necessary).

6. If applicant is represented by an attorney in this request, please state such attorney's name, business address and telephone number:

IT IS UNDERSTOOD AND AGREED THAT, BY EXECUTING THIS REQUEST FOR INFORMATION, APPLICANT AGREES NOT TO PUT OR PERMIT OTHERS TO PUT SUCH INFORMATION TO A USE OTHER THAN ABOVE STATED.

Dated this _____ day of _____, 19____.

Applicant

P.O. Address_____
