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SECOND REPRINT

A.B. 188

ASSEMBLY BILL NO. 188—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE NEVADA ASSOCIATION OF COUNTIES)

MARCH 9, 2005

Referred to Committee on Government Affairs

SUMMARY—Provides that certain databases which contain electronic mail addresses are confidential and not public records open for public inspection. (BDR 19-595)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in **bolded italics** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public records; setting forth that certain databases which contain electronic mail addresses provided to a governmental entity are confidential and not subject to disclosure or public inspection; providing certain exceptions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain books and records of a governmental entity to be open for public inspection. (NRS 239.010) Books and records of a governmental entity are not required to be open for public inspection if they are deemed by statute to be confidential or if the governmental entity determines pursuant to a balancing test that disclosure is not required. (*Donrey v. Bradshaw*, 106 Nev. 630 (1990))

This bill provides that if a person or his agent provides the electronic mail address of the person to a governmental entity for the purpose of or in the course of communicating electronically with that entity, the governmental entity may maintain the address in a database. Such a database and its contents is confidential and is not a public book or record, but may be disclosed by the governmental entity which maintains the database in response to a court order. This bill also provides that the individual electronic mail address of a person is not confidential if the person or his agent provided the address to a governmental entity in the course of an existing business or contractual relationship or in the course of establishing such a relationship.



* A B 1 8 8 R 2 *

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 239B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section or by specific statute:

(a) If a person or his agent provides the electronic mail address of the person to a governmental entity for the purpose of or in the course of communicating electronically with that governmental entity, the governmental entity may maintain the electronic mail address in a database.

(b) A database described in this subsection and the electronic mail addresses contained therein is confidential and not a public book or record within the meaning of NRS 239.010.

2. The electronic mail address of a person is not confidential and may be disclosed if the person or his agent provides the electronic mail address to a governmental entity:

(a) In the course of an existing business or contractual relationship with the governmental entity; or

(b) In the course of seeking to establish a business or contractual relationship with the governmental entity, including, without limitation, in response to a request for proposals or invitation to bid from the governmental entity.

3. A governmental entity shall disclose the confidential electronic mail addresses contained in a database described in subsection 1 in response to an order issued by a court upon a finding that the disclosure of the electronic mail addresses is necessary:

(a) To protect the public safety; or

(b) To assist in the investigation or prosecution of a crime.

4. The provisions of this section do not alter, limit or otherwise affect the operation of any statute or regulation of this State which provides greater or more stringent protections for the confidentiality of the electronic mail address of a person.

Sec. 2. This act becomes effective upon passage and approval.

