



STATE OF NEBRASKA
Office of the Attorney General

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October 29, 2025

Via email: [REDACTED]
Marty Albrecht
[REDACTED]

RE: *Public Records Matter Involving the Nebraska State Patrol*
Our File No. 20251118

Dear Mr. Albrecht:

This letter is in response to your petition received by this office on October 14, 2025, in which you sought our review of your public records request submitted to the Nebraska State Patrol ("NSP") on October 7, 2025, concerning a certain personnel file. We considered your petition in accordance with the Nebraska Public Records Statutes ("NPRS"), Neb. Rev. Stat. §§ 84-712 through 84-712.09 (2024). Our conclusions are set forth below.

FACTS

Our understanding of the facts in this matter is based on your correspondence to our office and the materials attached thereto. Per the NSP's response to your records request, you sought the "[p]ersonnel record of Trooper T. Bauer," including "Education, Hire Date, any previous law enforcement, all continuing education and training, any disciplinary issues." On October 8, 2025, the NSP issued its response to your request via email. At the direction of NSP attorney Michael Wehling, the NSP partially denied your records request, providing you Trooper Bauer's name, job title, hourly wage, and the date he was hired by the NSP. With respect to the remainder of your request, the NSP withheld all other records and information and stated in pertinent part:

The Nebraska State Patrol is partially denying your request for the information regarding the matter referenced above. This includes all personnel information other than routine directory information and salaries pursuant to Neb. Rev. Stat.

§ 84-712.05 subsection (8). Further, pursuant to the State Law Enforcement Bargaining Council agreement, much of the information requested is non-public.

You indicate in your petition that Trooper Bauer “will be a witness in an upcoming court hearing in Buffalo County,” and that you assume the requested information is “part of his public employment record”¹

DISCUSSION

While the NPRS broadly authorize public access to public records, they are not absolute. Section 84-712.05 lists several categories of public records that may be withheld at the discretion of the records custodian. The burden of showing that a statutory exception applies to disclosure of particular records rests upon the custodian of those records. See *Evertson v. City of Kimball*, 278 Neb. 1, 7-8, 767 N.W.2d 751, 758-59 (2009). The NSP withheld the requested records pursuant to the exception found at § 84-712.05(8), which provides:

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:
...

(8) Personal information in records regarding personnel of public bodies other than salaries and routine directory information.

The Nebraska Supreme Court discussed this exception in *Steckelberg v. Nebraska State Patrol*, 294 Neb. 842, 885 N.W.2d 44 (2016) [*“Steckelberg”*]. In *Steckelberg*, a State Patrol trooper sought access to the score sheets and comments and recommendations made by a hiring board for a position he interviewed for but was not selected. *Id.* at 843-44, 885 N.W.2d at 47. The trial court held that the records Steckelberg sought could be withheld, as they contained “personal information of personnel.” *Id.* at 844, 885 N.W.2d at 47. The Supreme Court affirmed, stating:

Steckelberg’s first argument . . . misses the mark. The State Patrol did produce an affidavit stating that the records were not kept with an employee’s personnel record, but were kept separately by the State Patrol’s human resources division. But § 84-712.05(7) exempts “[p]ersonal information in records regarding personnel.” The district court found that the information in the records sought did contain personal information. And the information was about employees, otherwise

¹ Please note the reasons underlying your request have no bearing on the resolution of your petition, as the NPRS “apply ‘equally to all persons without regard to the purpose for which the information is sought.’” See *State ex rel. BH Media Group, Inc. v. Frakes*, 305 Neb. 780, 801, 943 N.W.2d 231, 247 (2020).

known as personnel of the State Patrol. There is no requirement in § 84-712.05(7)² that in order to be exempt, the records must be kept within an employee's personnel file, as used as a term of art; *the records need only be personal information about personnel, defined as persons employed by an organization.*

Steckelberg, 294 Neb. at 849-50, 885 N.W.2d at 50 (internal citations omitted) (emphasis supplied).

It is plain that the records you requested contain personal information regarding Trooper Bauer. This is evident by the scope of your request, which sought information regarding Trooper Bauer's "Education, . . . any previous law enforcement, all continuing education and training, any disciplinary issues." The information contained in these records constitutes neither the routine directory information nor the salary information specifically required to be disclosed by § 84-712.05(8). These records fall squarely within the parameters of the exception, and we conclude that the NSP did not improperly withhold these records under the NPRS.

As a final matter, we observe that the NSP's response to your records request included the assertion that much of the information requested is "non-public" due to the "State Law Enforcement Bargaining Council agreement." However, since we have concluded § 84-712.05(8) provides a basis to withhold the requested items in Trooper Bauer's personnel file, it is not necessary to consider whether the agreement also applies.

CONCLUSION

For the reasons set forth above, we conclude that you have not been unlawfully denied access to the requested public records, and the NSP's partial denial of your request under the personal information exception in Neb. Rev. Stat. § 84-712.05(8) was appropriate. As a result, no further action by this office is warranted, and we are closing this file. If you disagree with our findings set out in this letter, you may wish to consult with

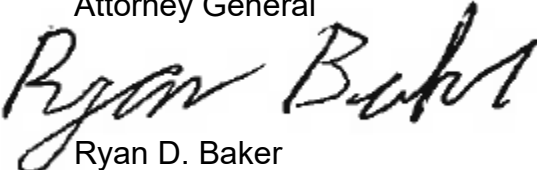
² This exception became subsection (8) with the enactment of 2022 Neb. Laws LB 1246, § 5.

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an attorney to determine what, if any, additional remedies may be available to you under the NPRS.

Sincerely,

MIKE HILGERS
Attorney General



Ryan D. Baker
Assistant Attorney General

c: Michael Wehling (via email only)

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