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December 5, 2025

Via email at [REDACTED]
Matt Lamb
[REDACTED]

RE: *Public Record Matter Involving the University of Nebraska*
Our File No. 20251145

Dear Mr. Lamb:

This letter is in response to your public records petition received by this office on November 20, 2025. You are appealing the decision of the University of Nebraska (University) to deny you access to a list of members serving on a certain University "roundtable." Upon receipt, we forwarded your petition to Molly McCleery, Associate General Counsel and Director of University Records, and requested a response. We received Ms. McCleery's response on December 1, and we discussed it with her on December 3. We considered your petition and the University's response in accordance with the provisions of the Nebraska Public Records Statutes (NPRS), Neb. Rev. Stat. §§ 84-712 to 84-712.09 (2024). Our findings and conclusion in this matter are set out below.

RELEVANT FACTS

On September 26, 2025, you emailed Ms. McCleery requesting the following records:

1. A list of members of the "President's Advisory Roundtable on Community Engagement."
2. Any by-laws or rules that the advisory roundtable will operate under.

3. A copy of the application members filled out for consideration (just the blank form used is fine, I don't need the individual filled out ones).

Following a series of delays, Ms. McCleery responded to your request on November 12. She denied you access to the list requested in no. 1 citing Neb. Rev. Stat. § 20-802¹ of the Personal Privacy Protection Act² (PPPA) and the exception to disclosure in “Neb. Rev. Stat. § 84-721.05(8)” [sic] (“Personal information in records regarding personnel of public bodies other than salaries and routine directory information”). As to the other two items, Ms. McCleery informed you the University had identified no responsive records.

On November 14, you requested Ms. McCleery to clarify how “a list of members of a university committee” could be “private information and not ‘routine directory’ information.” You included a link to another University committee roster to illustrate the records you were seeking. In response, Ms. McCleery provided you the University’s definition of routine directory information found in the University of Nebraska Board of Regents Policy RP-6.7 [Records of the University], and informed you “[t]he information requested is not included in the definition of routine directory information and is therefore not subject to disclosure pursuant to the exception in Neb. Rev. Stat. § 84-712.05(8).”

You assert in your petition that the requested “information clearly fits under the definition of ‘routine directory’ information,” and that University “campuses regularly publicize the members of such committees.” You further assert that “[p]ublic bodies . . . are required to disclose any information that is not explicitly prohibited by statute” and there is no state law or Attorney General opinion that allows the University to withhold the requested list.

Ms. McCleery informs us that pursuant to Neb. Rev. Stat. § 20-803(1)(c) of the PPPA, public agencies³ are prohibited from

[p]ublicizing or otherwise publicly disclosing personal information in the possession of such public agency without the express permission of every individual who is identifiable from the potential release of such personal information, including individuals identifiable as members, supporters, or volunteers of, or donors to, a nonprofit organization

For purposes of the PPPA, “personal information” is defined as “any list, record, register, registry, roll, roster, or other compilation of data that directly or indirectly identifies a

¹ Section 20-802 sets out the defined terms in the PPPA. This section provides no independent basis to withhold public records.

² Neb. Rev. Stat. §§ 20-801 to 20-804 (Cum. Supp. 2024).

³ See Neb. Rev. Stat. § 20-802(4): “Public agency means any state or local government unit, including, but not limited to: . . . (c) The University of Nebraska”

person as a member, supporter, or volunteer of, or donor of financial or nonfinancial support to, any nonprofit organization” Neb. Rev. Stat. § 20-802(3). In addition, Ms. McCleery states that “Neb. Rev. Stat. § 20-803(2) . . . specifically provid[es] that ‘[p]ersonal information is exempt from disclosure under public records laws.’” Ms. McCleery further informs us the President’s roundtable is comprised of University and non-University personnel. No participant has been “appointed,” and all members serve as volunteers. Consequently, Ms. McCleery asserts that “[t]he University has a statutory duty to safeguard the personal information of its volunteers pursuant to the [PPPA]” and that disclosing the membership list “would directly identify individuals as the University’s volunteers” in violation of the PPPA. On December 3, Ms. McCleery confirmed to this office that the University was a nonprofit organization under section 501(c)(3) of the Internal Revenue Code.

DISCUSSION

Neb. Rev. Stat. § 84-712(1) sets out the basic rule for access to public records in Nebraska. That statute provides, in pertinent part:

Except as otherwise expressly provided by statute, all residents of this state and all other persons interested in the examination of the public records as defined in section 84-712.01 are hereby fully empowered and authorized to (a) examine such records, and make memoranda, copies using their own copying or photocopying equipment in accordance with subsection (2) of this section, and abstracts therefrom, all free of charge, during the hours the respective offices may be kept open for the ordinary transaction of business and (b) except if federal copyright law otherwise provides, obtain copies of public records in accordance with subsection (3) of this section during the hours the respective offices may be kept open for the ordinary transaction of business.

(Emphasis added.) “Public records” in Nebraska “include all records and documents, regardless of physical form, of or belonging to” governmental entities in the state, “[e]xcept when any other statute expressly provides that particular information or records shall not be made public.” Neb. Rev. Stat. § 84-712.01(1) (2024) (emphasis added). Thus, while access to public records is broad, it is not absolute. There is no right to access public records in those instances where the Legislature has made the records confidential or subject to withholding under Neb. Rev. Stat. § 84-712.05⁴ or § 84-712.08. “A statute qualifies as an ‘other statute’ under § 84-712(1) when the plain language of a statute makes it clear that a record, or portions thereof, is exempt from disclosure in response to a public records request.” *State ex rel. BH Media Group, Inc. v. Frakes*, 305 Neb. 780, 794, 943 N.W.2d 231, 243-44 (2020).

⁴ Section 84-712.05 currently contains twenty-nine categories of records that may be withheld at the discretion of the records custodian “unless publicly disclosed in an open court, open administrative proceeding, or open meeting or disclosed by a public entity pursuant to its duties”

“Statutory language must be given its plain and ordinary meaning, and an appellate court will not resort to interpretation to ascertain the meaning of statutory words which are plain, direct, and unambiguous.” *Nebraska Journalism Trust v. Nebraska Dept. of Env’t and Energy*, 316 Neb. 174, 190-91, 3 N.W.3d 361, 373 (2024). “In construing a statute, a court must determine and give effect to the purpose and intent of the Legislature as ascertained from the entire language of the statute considered in its plain, ordinary, and popular sense.” *Aksamit Resource Management LLC v. Nebraska Pub. Power Dist.*, 299 Neb. 114, 123, 907 N.W.2d 301, 308 (2018). The plain and ordinary meaning of § 20-803(1)(c) prohibits a public agency from disclosing any record that would identify a person⁵ as a member, supporter, volunteer, or donor of a nonprofit organization. The plain and ordinary meaning of § 20-803(2) makes personal information, as defined under the PPPA, exempt from disclosure. Ms. McCleery has represented to this office that the roundtable is comprised of volunteers and has provided documentation that confirms the University’s status as a nonprofit organization under section 501(c)(3). Thus, there is no question that the requested list of roundtable members falls within the definition of personal information and, pursuant to express provisions of the PPPA, cannot be disclosed.

Finally, because we have determined that the requested list is personal information as defined in § 20-802(3), and exempt from disclosure under § 20-803(2), it is not necessary to consider whether the discretionary exception in § 84-712.05(8) would provide a basis to withhold the list.

CONCLUSION

Section 20-803 is an “other statute” that (1) prohibits public agencies from disclosing personal information (subsection (1)(c)); and (2) makes personal information exempt from disclosure under the NPRS (subsection (2)). In our view, the requested list falls within the definition of personal information and cannot be disclosed.⁶ Consequently, we find no violation of the NPRS relating to the University’s handling of your records request, and we are closing this file.

⁵ Under the PPPA, a “person” is broadly defined as “any individual, partnership, limited liability company, corporation, association, firm, or agent or employee of any such individual or business entity.” Neb. Rev. Stat. § 20-802(2).

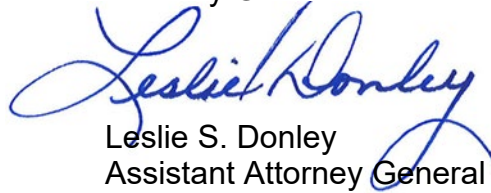
⁶ We note that any person aggrieved by a violation of the PPPA may bring a civil action for damages and other equitable or declaratory relief. Neb. Rev. Stat. § 20-804.

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If you disagree with the conclusion reached above, you may wish to review the other remedies available to you under Neb. Rev. Stat. § 84-712.03.

Sincerely,

MIKE HILGERS
Attorney General



Leslie S. Donley
Assistant Attorney General

c: Molly McCleery (via email only)

49-4022-31