



STATE OF NEBRASKA  
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August 24, 2026

Via email at [REDACTED]  
Christopher Hubbard  
[REDACTED]

RE: *Public Records Matter Involving the City of Bellevue*  
Our File No. 20261076

Dear Mr. Hubbard:

This letter is in response to your petition received by this office on August 7, 2026, in which you sought our assistance regarding your August 3, 2026, records request to the City of Bellevue (City). We forwarded a copy of your petition to Assistant City Attorney Daniel Willis on August 11, 2026, and received his response the following day. We considered this matter under the Nebraska Public Records Statutes (NPRS), Neb. Rev. Stat. §§ 84-712 to 84-712.09 (2024), amended 2026 Neb. Laws LB 525 and LB 1096. Our findings are set forth below.

### **RELEVANT FACTS**

According to your petition, on August 3, 2026, you submitted a public records request to the City requesting “raw GPS tracking telemetry, location history, and speed logs for City of Bellevue Parks and Recreation vehicle REC6 on July 12, 2026, specifically covering the timeframe between 1:45 p.m. and 2:30 p.m.” You stated in your request that “Public Works Director Dave Goedeken confirmed on August 3, 2026, that these logs were reviewed internally . . . .” On August 7, Mr. Willis denied you access to the requested records citing Neb. Rev. Stat. §§ 84-712.05(5) and (8). He stated the records were developed or received by the City and “related to the duty of investigation or examination with which the City is charged.” Mr. Willis further stated the requested records “contain personal information regarding personnel other than salaries and routine directory information.”

In response to this office's request for information, Mr. Willis states that "[t]he City received a complaint from Mr. Hubbard on or about August 3, 2026, by telephone, regarding a city employee driving a Parks Department vehicle," which prompted a personnel investigation. Mr. Willis asserts that "the requested records are part of that file." He further asserts that while you claim to only want the vehicle's "operational records," those records "were generated or received by the City at least in part because of its duty to investigate allegations made against its employees, including allegations that could result in civil or criminal sanctions, such as the allegations here," citing *Evertson v. City of Kimball*, 278 Neb. 1, 16, 767 N.W.2d 751, 763-64 (2009). Mr. Willis also confirmed there were no reasonably segregable portions of records that could be disclosed.

You now challenge this decision and allege the records should not be withheld because (1) "[t]he City's denial does not explain why the requested telemetry itself is exempt from disclosure simply because it was reviewed during an internal examination or investigation"; (2) you "did not request personnel records, disciplinary records, employee evaluations, or the identity of any employee"; and (3) "the denial does not explain why the requested records must be withheld in their entirety under the personnel exemption . . . ."

## DISCUSSION

The NPRS generally allow Nebraska residents and other interested persons the right to examine public records in the possession of public agencies during normal agency business hours, to make memoranda and abstracts from those records, and to obtain copies of records in certain circumstances. However, while the NPRS do provide access to public documents, they are 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. § 84-712.05 or § 84-712.08.

Neb. Rev. Stat. § 84-712.05 of the NPRS is comprised of thirty categories of records that may be kept confidential from the public at the discretion of the agency involved so long as those records have not been "publicly disclosed in an open court, open administrative proceeding, or open meeting or disclosed by a public entity pursuant to its duties . . . ." In the present case, the City is relying on two exceptions in § 84-712.05. Subsection (5) pertains to

[r]ecords developed or received by law enforcement agencies and other public bodies charged with duties of investigation or examination of persons, institutions, or businesses, when the records constitute a part of the examination, investigation, intelligence information, complaints or inquiries from residents of this state or other

interested persons, informant identification, or strategic or tactical information used in law enforcement training . . . .<sup>1</sup>

Subsection (8) applies to “[p]ersonal information in records regarding personnel of public bodies other than salaries and routine directory information[.]”

In *Evertson v. The City of Kimball*, 278 Neb. 1, 767 N.W.2d 751 (2009), the Nebraska Supreme Court considered whether § 84-712.05(5) applied to records developed during an investigation into alleged racial profiling by city police officers. Relying on cases construing the law enforcement exemption (no. 7) in the Freedom of Information Act, 5 U.S.C. § 552, the court found that exempting all internal auditing or monitoring of employees “from disclosure would permit the exemption to defeat the purpose of the public records laws—to provide public access to information concerning the Government’s own activities.” *Id.* at 15, 767 N.W.2d at 763. For the exception to apply, “[t]he government must therefore show that the agency compiled the investigatory records for adjudicatory or enforcement purposes and not general agency monitoring of its programs and employees.” *Id.* Acknowledging that a broad reading of § 84-712.05(5) would be inconsistent with the Legislature’s “strong public policy for disclosure,”<sup>2</sup> the court held that the exception “should only apply to an investigation of a public body’s employees if the investigation focuses on specifically alleged illegal acts.” *Id.* at 16, 767 N.W.2d at 764.

In his denial letter, Mr. Willis explained that “the activity giving rise to the documents sought is related to the duty of investigation or examination with which the City is charged,” and cited to § 84-712.05(5). Mr. Willis’ response to this office informed us the requested records are part of a personnel investigation file. Mr. Willis further stated, “the requested ‘operational records’ were generated or received by the City at least in part because of its duty to investigate allegations made against its employees, including allegations that could result in civil or criminal sanctions, such as the allegations here.” Therefore, since Mr. Willis confirmed the scope of the City’s investigation, the exception in § 84-712.05(5) provides a legal basis to withhold the requested records.

Second, you argue that the City’s denial under Neb. Rev. Stat. § 84-712.05(8) is improper because you “did not request personnel records, disciplinary records, employee evaluations, or the identity of any employee.” Under Neb. Rev. Stat. § 84-712.05(8), public bodies may withhold, at their discretion, “[p]ersonal information in records regarding personnel of public bodies other than salaries and routine directory information.” Under the plain language in subsection (8), only “salaries and routine

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<sup>1</sup> There are two exceptions to the exception: (1) records relating to the presence of drugs or alcohol in any body fluid of an individual; and (2) records relating to the cause of death arising from or related to employment once an investigation is concluded when requested by a family member of the deceased.

<sup>2</sup> See *Aksamit Resource Management LLC v. Nebraska Pub. Power Dist.*, 299 Neb. 114, 122, 907 N.W.2d 301, 308 (2018).

directory information" must be disclosed. Mr. Willis informed you the requested records "contain personal information regarding personnel other than salaries and routine directory information." While you did not specifically request the personnel information, because the requested records contain personal information and do not involve salaries and routine directory information, the records fit squarely within § 84-712.05(8). Therefore, the City's reliance on this exception was proper.

Finally, you argue that the denial does not explain why the records are being withheld in their entirety. Neb. Rev. Stat. § 84-712.06 requires that "[a]ny reasonably segregable public portion of a record shall be provided to the public as a public record upon request after deletion of the portions which may be withheld." In response to this office, Mr. Willis confirmed "there are no such reasonably segregable non-exempt portions." Neither § 84-712.06 nor any other provision in the NPRS requires public bodies to explain to the requester whether redacted portions of requested records could be disclosed.

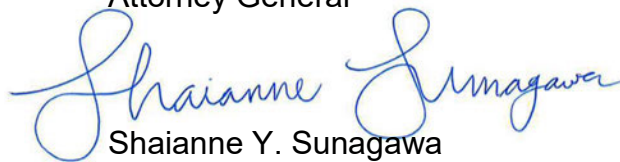
### **CONCLUSION**

For the reasons set forth above, we conclude that the City did not unlawfully deny you access to public records. The City may continue to withhold the responsive records under Neb. Rev. Stat. § 84-712.05(5) and (8). Since we have identified no violations of the NPRS, no further action by this office is warranted, and we are closing this file.

If you disagree with our conclusion, you may wish to discuss this matter with your private attorney to determine what other remedies are available to you under the NPRS.

Sincerely,

MIKE HILGERS  
Attorney General



Shaianne Y. Sunagawa  
Assistant Attorney General

c: Daniel Willis (via email only)