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Office of the Attorney General

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September 10, 2026

Via email at: [REDACTED]
William Zitterkopf II
[REDACTED]

RE: *Public Records Matter Involving Chadron State College*
Our File No. 20261089

Dear Mr. Zitterkopf:

This letter is in response to your public records petition received by this office on August 26, 2026. You asked us to review Chadron State College's (CSC) response to your June 24, 2026, public records request, which sought records related to the disappearance and death of Dr. Steven Haataja in 2006. We considered your petition, its attached documents, and other information provided by CSC Associate Vice President Malinda Linegar, CSC Associate Vice Chancellor for External Relations Judi Yorges, and Nebraska State College System General Counsel Kristin Divel. We have completed our review in accordance with the Nebraska Public Records Statutes (NPRS), Neb. Rev. Stat. §§ 84-712 through 84-712.09 (2024), as amended 2026 Neb. Laws LB 525 and LB 1096. Our findings are detailed below.

RELEVANT FACTS

On December 4, 2006, CSC's mathematics professor, Dr. Haataja, went missing. His remains were discovered three months later. The Nebraska State Patrol investigated his death. Your public records request sought information related to this matter.

On June 24, 2026, you submitted a public records request to CSC seeking six categories of records. You specifically sought access to CSC archived security footage, information about CSC's security systems, historical building access logs, and records relating to Dr. Haataja's office computer activity logs. You emphasized that you were seeking any records needed to identify the scope of CSC's 2006 security footage and

information regarding an investigation into Dr. Haataja's computer login activity. Your request concluded by asking for retention policies, destruction records, and law enforcement transmission records if responsive records no longer existed or were provided to investigators.

On June 25, Ms. Linegar confirmed receipt of your request. She explained that due to the volume of the request and existing staff commitments, a response could not be provided immediately. She anticipated CSC issuing a response by July 15, 2026.

Ms. Linegar responded to your request on July 7. For the five categories concerning video footage, security system information, and building access logs, she explained that "no records exist." In response to category six, which sought records concerning Dr. Haataja's office computer access logs from December 4-5, 2006, Ms. Linegar informed you that CSC has responsive computer access, network access, information technology, and electronic records of computer and user account records. However, CSC withheld access to these records pursuant to Neb. Rev. Stat. § 84-712.05(5), (9), and (10) as the records contain security and privacy materials and were produced solely for law enforcement agencies to conduct the investigation.

DISCUSSION

I. *Alleged Violation of Neb. Rev. Stat. § 84-712.04.*

Your petition first alleges that CSC's July 7 denial of access to computer log records violated Neb. Rev. Stat. § 84-712.04 by failing to state a specific reason for the denial or correlate specific portions of the withheld records to specific statutory citations. Any public body that withholds access to public records must provide the requester, in part, with "[a] description of the contents of the records withheld and a statement of the specific reasons for the denial, correlating specific portions of the records to specific reasons for the denial, including citations to the particular statute and subsection thereof ... relied on as authority for the denial." Neb. Rev. Stat. § 84-712.04(1)(a).

In this case, you divided your request into six separate categories of records. CSC responded to each category directly. In response to category six, CSC described that it had "[c]omputer access, network access, information technology, and electronic records of computer and user accounts records" containing information responsive to your request. It then cited Neb. Rev. Stat. § 84-712.05(5), (9), and (10) as the statute and subsections it relied on to deny you access to these records. CSC then explained its reason for the denial and correlated the reason to the records responsive to category six. CSC withheld the entirety of the responsive computer access logs under § 84-712.05(5), (9) and (10) because they contained security records and were produced solely for a law enforcement investigation. Accordingly, CSC's denial complied with § 84-712.04(1)(a).

II. *CSC's Withholding of Computer Access Logs Under Neb. Rev. Stat. § 84-712.05(5).*

Your petition next alleges that CSC did not establish that § 84-712.05(5) applied to the withheld records. You seek clarification on CSC's statement that the "logs were produced solely for law enforcement agencies to conduct their investigation." You question whether the records consist of contemporaneous administrative data that existed in December 2006, a later-generated forensic report for law enforcement, or both.

Neb. Rev. Stat. § 84-712.05(5) permits a public body, in specific circumstances, to lawfully withhold

[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....

"Statutory language is to 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." *Aksamit Res. Mgmt. LLC v. Nebraska Pub. Power Dist.*, 299 Neb. 114, 123, 907 N.W.2d 301, 308 (2018). Ms. Linegar informed our office that the withheld materials consist of a zip file developed specifically to provide to law enforcement as part of its criminal investigation. Contemporaneous server logs from 2006 were deleted prior to your request in accordance with CSC's retention schedule. The open law enforcement file is all that remains. According to Ms. Linegar, these withheld computer log records were developed by CSC as part of its investigation into the disappearance and death of its employee, and in conjunction with law enforcement's efforts. Accordingly, CSC's reliance on Neb. Rev. Stat. § 84-712.05(5) as a basis to withhold the entirety of the records was lawful.¹ Consequently, because we have concluded that all requested information may be withheld under subsection (5), it is unnecessary to analyze CSC's reliance on subsections (9) or (10) or issues of segregation.

¹ You asked our office to conduct a "record-by-record review" of the withheld materials. Although § 84-712.03(1)(b) creates enforcement responsibility for the Attorney General under the NPRS, our office has no statutory mechanism or other authority under Nebraska law to review unredacted copies of requested records to determine whether such records have been improperly withheld. Pursuant to § 84-712.03(2), only the courts may conduct an *in camera* review of the requested records.

III. *CSC's Failure to Respond to Your Request for Retention, Destruction, and Transmission Records.*

After listing the six numbered categories of your request, you asked CSC to provide applicable records retention policies and destruction records if no responsive records existed. Further, you asked for records evidencing transfers to law enforcement agencies if documents were shared. In your petition, you complain that CSC did not respond to these portions of your request.

Ms. Linegar explained to our office that these omissions were an accidental oversight. CSC officials focused their search on the body of your request. Ms. Linegar provided our office with copies of the requested retention schedules. We have attached these documents to this letter for the parties' convenience. No other responsive retention, destruction, or transmission records exist.

IV. *CSC's Alleged Failure to Provide Responsive News Articles.*

In category six, subsection (k) of your request, you sought "[a]ny computer-access, network access, information-technology, or electronic records related to Dr. Haataja's office computer and user accounts for December 4-5, 2006, including but not limited to: . . . (k) any reports, analyses, correspondence, memoranda, or investigative materials discussing the login activity associated with Dr. Haataja's office computer." In your petition, you note that CSC maintains several news articles on its website discussing Dr. Haataja's computer access. You assert these records should have been produced in response to your request.

In response, CSC officials indicated they interpreted category six of your request as only seeking computer access, network access, information technology, or electronic records related to Dr. Haataja's office computer accounts. They did not consider news articles to be responsive to your request. Considering the format and plain language of your request, we agree. If you seek further information from CSC, you may submit a new request.

V. *Alleged Violation of Neb. Rev. Stat. § 84-712(4).*

Finally, your petition alleges that CSC's June 25, 2026, correspondence violated Neb. Rev. Stat. § 84-712(4) by failing to provide a cost estimate or an opportunity to modify or prioritize your request. You state this is a "secondary compliance issue" but have asked our office to "[d]etermine whether CSC otherwise failed to comply with § 84-712(4) in its June 25 extension notice."

Neb. Rev. Stat. § 84-712(4)(c) states in relevant part:

If the entire request cannot with reasonable good faith efforts be fulfilled within four business days after actual receipt of the request due to the significant difficulty or the extensiveness of the request, [the custodian shall provide the requester] a written explanation, including the earliest practicable date for fulfilling the request, an estimate of the expected cost of any copies, and an opportunity for the requester to modify or prioritize the items within the request.

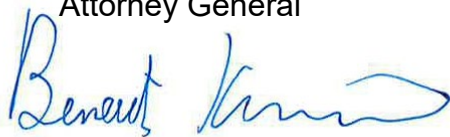
The purpose of the cost estimate and modification opportunity is to allow the requester an opportunity "to review the estimated costs, including any special service charge, and request the custodian to fulfill the original request, negotiate with the custodian to narrow or simplify the request, or withdraw the request." CSC did not charge you for your request. It fulfilled your original request for free. It thus had no reason to provide a cost estimate. We find no violation of § 84-712(4).

CONCLUSION

For the reasons discussed above, we conclude that CSC complied with the requirements of the NPRS and lawfully denied you access to investigative records. It accidentally omitted providing you with retention records. CSC provided those records to this office, and we are making them available to you by attaching them to this disposition letter.² Accordingly, no further action by this office is necessary, and we are closing this file. If you disagree with our analysis, you may wish to discuss this matter with a private attorney to determine what additional remedies, if any, are available to you under these statutes.

Sincerely,

MIKE HILGERS
Attorney General



Ben Kinnison
Assistant Attorney General

Attachment

c: Kristin Divel (via email only)

37-085-31

² For your information, record retention schedules for all state and local governmental entities are located on the Secretary of State's website under the Records Management tab.