

IDAHO DEPARTMENT OF ADMINISTRATION
Public Records Request Policy and Procedures

Policy

Idaho's public records law was enacted in 1990. The Idaho Department of Administration (DoA) has adopted this public records policy and procedures with the intent that it will make every effort to fully comply with the Public Records Act by responding to records requests in a timely, accurate and courteous manner.

Procedures

1. Acceptance of Requests.

a. *Written Request Required.* Requests for copies of public records from the files of the DoA or for inspection of such records must be in writing and delivered as set forth in subsection 1(b). Persons making a request must provide their name, e-mail address, and mailing address for the purposes of providing a response and clarifying the request, if necessary.

b. *Delivery.* Requests must be made through the DoA Public Records Request website, located at the DoA website (adm.idaho.gov) under the “contact” tab, via e-mail to PublicRecords.Request@adm.idaho.gov, hand delivered, sent by U.S. mail or a delivery service such as Federal Express. Mail and delivery services must be addressed to the DoA’s business address, 650 W State St., Room 100, P.O. Box 83720 Boise, ID 83720-0003.

c. *Date of Receipt.* The request will be identified as received on the date actually received by the DoA. Delivery other than by the methods above may result in a delay of receipt by DoA.

2. Processing Requests.

a. *Initial Response.* The DoA will respond to requests in writing within three (3) business days after the date of receipt. Responses will be sent via email or through the U.S. Mail. If the DoA requires additional time to retrieve or copy records, the DoA will identify the need for additional time in the initial response.

b. *Charges for Retrieval and Reproduction of Records.* The DoA has enacted the charges for retrieval and reproduction of records set forth on Appendix A. The DoA will waive charges of less than fifty dollars (\$50.00). If the DoA has a reasonable belief that a party or group requesting records is attempting to break down a large request for copies of records into a series of smaller requests for the purpose of avoiding the imposition of charges, the DoA will aggregate such requests for the purpose of determining charges and impose such charges on the aggregated request. Where it appears to the DoA that its response to a request will result in the imposition of fees, the DoA may require the requesting party to pay such fees and charges in advance of the retrieval and production of records. The DoA will consider requests for a waiver of charges under Idaho Code section 74-102 on a case-by-case basis

c. *Removal of Non-public Information.* The DoA will remove non-public information from records made available to requesting parties. Where non-public information is removed, the DoA may have the removal reviewed by legal counsel and will notify the requesting parties of the removal. The notice will specify the legal basis for the removal and provide the requesting party with notice of the opportunity to petition the district court for an order compelling disclosure within one hundred eighty (180) days of the notice.

d. *Examination of Records.* Requesting parties may examine records at the DoA offices. The DoA is authorized to prevent alteration of any public record while it is being examined by having an employee present for the examination. An employee may not be available at all times that the DoA offices are open. The DoA may provide persons requesting the examination of records with a reasonable range of time periods in which the records are available for examination. Examination may be delayed pending payment of costs arising from the retrieval of the records.

e. *Use as a Mailing List.* Unless the persons whose names are on a list have given their consent for the list to be used as a telephone, mailing, or other communication list, the DoA will comply with the prohibitions in Idaho Code section 74-120. The DoA may ask the requesting party if the list is to be used as a communication list. If the response is “yes” the DoA may deny the requested as provided in Idaho Code section 74-120, which prohibits the DoA from distributing a list for use as a communication list without the permission of those on the list. The DoA may also place the following on any list it distributes: **WARNING: USE OF THIS LIST AS A MAILING LIST OR A TELEPHONE LIST IS PROHIBITED BY IDAHO CODE SECTION 74-120 AND PUNISHABLE BY A CIVIL PENALTY OF UP TO \$1,000.**

f. *Requests by an Attorney.* When the DoA receives a records request from an attorney or law office, the DoA staff processing the request will consult with the Office of the Attorney General.

3. Record Specific Policies.

a. *Records Related to Public Safety.* Pursuant to Idaho Code section 74-105(4)(b), the DoA has identified the following as records where release would jeopardize the safety of persons or the public safety:

- Records of facilities in the custody of the Division of Public Works identifying the emergency evacuation, escape or response routes or plans for a facility or other public property.
- Video and other recordings the release of which could be used to identify the placement, activation, or use of security equipment or processes in public facilities.
- Passwords, security codes or similar security devices or methods for facilities or State technology systems.

Additional records may be added on a case-by-case review of the record.

b. *Records of the Division of Risk Management.* Pursuant to Idaho Code section 74-107(11), claims evaluations, investigatory records, computerized reports of losses, case reserves, and internal documents and correspondence related thereto will not be released in response to a public records request.

c. *Records of the Division of Purchasing.* To preserve the integrity of the bidding process, the Division of Purchasing does not release responses to solicitations prior to the issuance of a notice of intent to award. Pursuant to Idaho Code section 74-107, Purchasing finds economic value for its client state agencies through conducting a competitive post-submission process, which includes negotiation and best and final offers. Vendors could use the content of their competitor's submissions to disadvantage the state of Idaho in the post-submission competitive process. In addition, Idaho Code section 67-9215(2) provides that bids are not subject to public disclosure if a solicitation is cancelled. This limitation exists to preserve competition for a subsequent solicitation. A solicitation is generally subject to cancellation up to the issuance of a purchase order. The Division of Purchasing makes solicitation responses available for public records requests upon the issuance of a notice of intent to award. This process allows unsuccessful bidders to review the records for the purpose of challenges to the notice and Idahoans to review and comment prior to award of a contract.

Appendix A

Records Request Charges

Type of Work Involved	Charges
Retrieval and reproduction of records where labor associated with locating and reproducing records is less than two (2) person hours and less than 100 pages are retrieved and reproduced on standard 8 ½ x 11 paper or on one CD	No charge
Redaction of non-public information.	Actual rate of pay for the lowest paid employee qualified to redact non-public information If redactions required to be made by an attorney not on staff at the DoA, the usual and customary rate of the attorney retained to perform the redactions
Retrieval and reproduction of records where labor associated with locating and reproducing records exceeds two (2) person hours	Actual rate of pay for the lowest paid employee(s) qualified to copy and retrieve the records No charges will be imposed for the first two (2) person hours used in retrieval and reproduction
Copies exceeding 100 pages on standard 8 ½ x 11 paper	Ten (10) cents per page or actual cost if copies are made by an outside copy service No charges will be imposed for the first 100 pages of copies on standard 8 ½ x 11 paper
Retrieval from Archives	For a file, a minimum labor fee of \$3.00 each will be charged. For a box, a minimum labor fee of \$10.00 each will be charged.
Delivery of records	Actual shipping and postage costs if over \$1.00
Reproduction of computer generated records on storage media	Actual cost for the storage media (i.e. CD) for electronically stored records if more than one CD.
CD's	If more than 1 CD is used, the charge will be \$1.00 each.