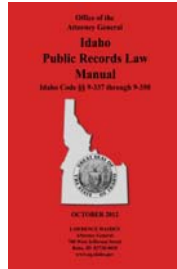


Idaho Public Records Law

State of Idaho



Office of Attorney General
Lawrence Wasden



Definitions

Rule of Statutory Construction:

Words are given the meaning set forth in the definition portion of the code section or chapter.

- The definition contained in code controls over the common definition of the word.
- Different chapters or code sections may define the same word slightly differently.
- If no statutory definition exists, the common meaning controls.



Key Definitions

- Custodian
The person having personal custody and control of the public records in question
- Writing
Includes, but is not limited to, handwriting, typewriting, printing, photostating, photographing and every means of recording
- State agency
Every state officer, department, division, bureau, commission and board or any committee of a state agency



Idaho Code § 9-337
Public Records Law Manual (PRL) pp. 21-22

Key Definitions

- Public Agency
Any state or local agency as defined in this section.
- Public Official
Any state, county, local district, independent public body corporate and politic or governmental official or employee, whether elected, appointed or hired.
- Public Record
Any writing containing information relating to the conduct or administration of the public's business.



Idaho Code § 9-337
PRL p. 22

Right to Examine

- Every person has a right to examine and take a copy of any public record of this state.
- Examination of public records must be conducted during regular office or working hours.
- A public agency may establish a copying fee schedule.



Idaho Code § 9-338
PRL pp. 23-27

Copying Fee Restrictions

1. Fee may not exceed the actual cost to the agency.
2. Actual cost shall not include any administrative or labor costs.
3. Public agencies may establish a fee to recover the actual labor cost associated with locating and copying documents in certain cases.
4. First 2 hours / 100 copies free.
5. Rate is at lowest on staff capable of handling.
6. Advance payment may be required.



Idaho Code § 9-338
PRL p. 23-27

How Are Requests Responded To?

- Grant or deny a person's request to examine or copy public records within three (3) working days.
- If a longer period of time is needed to locate or retrieve the public record(s), the requestor shall receive the record(s) no later than ten (10) working days from date of request.
- Sort exempt and non-exempt material.
- May inquire to narrow the request.



Idaho Code § 9-339
PRL pp. 27-28

How Are Requests Responded To?

- If the agency fails to respond, the request shall be deemed denied ten (10) working days following the request.
- If denied, the requesting party will be notified in writing of the denial (or partial denial).
- State statutory reason for denial.
- State right to appeal denial.



Idaho Code § 9-339
PRL pp. 27-28

Exemptions

- **9-340A** - exemptions provided for in state or federal law (1)
- **9-340B** - law enforcement and investigatory records (1), infrastructure & emergency response plans (4b), workers comp (10)
- **9-340C** - personnel records and professional discipline (1), personal and health records (8), personal information from Fish & Game licenses, permits & tags (28), residential street address and telephone number of law enforcement officers (29)



PRL pp. 28-39

Exemptions

- **9-340D** - trade secrets (1), production records (2), bids (3)
- **9-340E** - archaeological (1&2), endangered species (1), library records (3&4), licensing exams (5)
- **9-340F** - draft legislation (1), audit selection (2)
- **9-340G** - court records relating to minors' abortions



PRL pp. 40-48

Access to Exempt Records

- Even if the record is otherwise exempt from public disclosure, a person may inspect and copy the records pertaining to himself.
- A person may request in writing an amendment of any record pertaining to that person.
- Some exemptions apply to what can be reviewed, when pertaining to oneself.



Idaho Code § 9-342
PRL pp. 49-53

Proceedings to Enforce Right to Examine Public Records

Authorize civil lawsuit by the person seeking documents to compel agency to make information available in accordance with the provisions of Sections 9-337 through 9-348, Idaho Code.



Idaho Code § 9-343
PRL pp. 53-54

Order of the Court

- Court shall order the public official charged with withholding the records to disclose the public record or show cause why he should not do so.
- Court may order the public official to make the requested disclosure, if reason is not justified.



Idaho Code § 9-344
PRL p. 54

Miscellaneous Provisions

- 9-345 Bad Faith Penalty
- 9-346 Immunity
- 9-347 Agency Guidelines
- 9-348 Mailing List Prohibition
- 9-349 Confidentiality Language



PRL pp. 54-58

Questions?

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