Idaho Public Records Law

State of Idaho
Office of Attorney General
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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

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

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.
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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