

IDAHO COMMISSION ON AGING POLICY

Policy Subject	Policy #
<u>Public Records Request</u>	PO.AD.09

Purpose: The purpose of this policy is to address the public disclosure of records maintained by the Idaho Commission on Aging (ICOA) in accordance with the Idaho Public Records Law, Idaho Code Sections 74-101 through 74-126. The policy also acknowledges certain information provided by citizens and used to conduct business by the ICOA is private and protected by statute.

Scope: The scope of this policy is to formalize a process for handling public records requests (PRRs) received by the ICOA from the public under the Idaho Public Records Law, Idaho Code 74-101 through 74-126.

Procedure:

Requests to be in Writing:

1. All PRRs to ICOA are required to be made in writing. The requestor must provide their name and telephone number and either their physical mailing address or e-mail address.
2. A PRR submitted by mail, email, or fax is considered a written request.

Response Time:

3. The PRR is considered received on the date an ICOA official or employee receives a written request. If the request is submitted electronically, the date of the receipt will be the first full working day following the opening of the email.
4. ICOA will respond in writing, which includes email, to all PRRs within three working days after the date the request is received. The response will grant the request, deny the request, or give notice that additional time is needed to fill the request.
5. If more than three working days are required to retrieve or locate the requested records, seven additional working days may be taken to fill the request. The requester must be notified in writing that the additional time is needed.

Scope of the Request:

6. A requestor will not be asked why the public records are being requested except, as described in Idaho Public Records Law, to inquire whether a requested record or information will be used for purposes of a mailing or telephone list.
7. When a request is broad, unclear, or may incur fees, an ICOA employee may contact the requestor to determine if they want to narrow or clarify the request scope. The ICOA staff member will document the discussion. If the requestor changes the scope or substance of a PRR significantly before the request is filled, the requestor may need to withdraw the original request and submit a new request.
8. A person may request to view or copy records prepared, owned, used, or retained by ICOA. ICOA will not prepare new records in response to a PRR.
9. Idaho public records law does not require ICOA to provide copies of records in a format not used in the normal course of business. For example, the ICOA is not required to alphabetize information upon request, summarize findings into a new document, or customize reports to provide the information in a format desired by the requestor.

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Confidential and Exempt Records:

10. Certain information must remain confidential (i.e. vendor identification numbers, social security numbers, etc.). All confidential information should be redacted or otherwise not visible before releasing to the public. Sections 74-104 through 74-111 list the records that are exempt from disclosure.

Review by the Attorney General's Office:

11. A review of a PRR by the Office of the Attorney General (OAG) is required when it:
 - a. is received from an attorney, law office, or government agency
 - b. potentially encompasses any communications to or from the OAG
 - c. consists of a request to inspect or take a copy of investigatory records related to an ongoing or pending litigation
 - d. consists of any records related to previous litigation or enforcement action.

Public Comment Packages

12. Where ICOA records are made available to the public for review during a comment period required by statute or regulation, members of the public are not required to submit a PRR.
13. Any relevant or peripheral records not included in a public comment package and not exempt from disclosure will be made available to the public pursuant to a formal PRR.

Contact Lists

14. The ICOA is prohibited from distributing or selling, for use as a mailing or telephone number list, any list of persons without first securing the permission of those on the list.

Custodians of public records

15. "Custodian" is defined as the "person having personal custody and control of the public records in question. If no such designation is made by the public agency or independent public body corporate and politic, then custodian means any public official having custody of, control of, or authorized access to public records and includes all delegates of such officials, employees or representatives." IC 74-101
16. The ICOA is not required to request records from contractors or grantees unless such records are specifically related to the conduct or administration of the ICOA's business.

Denials and Partial Denials

17. Certain records are exempt from public disclosure under the Idaho Public Records Law.
18. Any time a requester is not allowed access to a document, or any portion of a document, that falls within the scope of the request, it is a denial or partial denial. All denials and partial denials of PRRs will be in writing and will include reference to the following:
 - the fact that the OAG reviewed the request
 - the specific statutory authority supporting the basis for the denial or partial denial.
19. Where possible, exempted portions of a record or document, or specific pages of a record or document, will be redacted so the rest of the material can be provided to the requester.
20. Where a PRR is denied, and the requester subsequently asks for more detail regarding the nature of the records withheld or the legal basis for the denial or partial denial, the requester will be referred to the OAG who initially reviewed the denial or partial denial for further information.

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21. Any records withheld as a denial or partial denial will remain with ICOA for the 180 day period the requestor can seek court relief.

Copying Records

22. Where the number of records is not voluminous, requested records will be copied or scanned and mailed or emailed at the request of the person submitting a PRR. Where a request is broad and the numbers of records are voluminous, the requester will be sent a letter indicating that he or she can arrange to visit the ICOA office and examine the records in-house.
23. Where a requester seeks access to an ICOA record in a format not used by the agency in the normal course of business, the record will be provided in the format used by ICOA unless it is determined by an ICOA supervisor, with review by the OAG, that a valid reason exists for providing that particular record to the public in the format requested. Under no circumstances will one person be denied access to a record in a particular format when the record has been or will be made available to another member of the public in that format.

Records Examinations

24. While records are being examined in-house, an ICOA official or employee will be present in the same room or at a nearby location.
25. Examination of public records will be conducted during regular business hours.
26. ICOA staff will prevent alteration of any public record while it is being examined.

Fees and Charges:

27. Idaho Code §74-102 authorizes ICOA to establish fees to recover actual costs associated with locating and copying records in responding to a PRR. ICOA has established fees to recover the actual costs associated with locating and copying records if:
- the request is for more than one hundred (100) pages of paper records
 - the request includes records from which nonpublic information must be deleted
 - the actual labor associated with responding to the request exceeds two (2) person hours.

Pursuant to Idaho Code §74-102, ICOA establishes the following Public Records Request Fee Schedule:

Idaho Code	Type of Work	Cost
§74-102(10)(b)(i)	Photocopying more than 100 sheet pages on standard 8.5 x 11-inch paper	\$.07 per page black and white (start with page 101)
§74-102 (10)(d)	Photocopying on sheets other than standard 8.5 x 11-inch paper	Actual cost depending on size
§74-102 (10)(e)	Where labor exceeds 2 person hours	Current lowest rate of person involved in request
§74-102 (10)(e)	Where review by the Office of the Attorney General is required	\$88.00 per hour
§74-102 (10)(d)	Where ICOA has an out-of-pocket cost	Actual Costs
§74-102 (10)(d)	Where records are provided in the form of computer tape or disk, compact disc (CD), digital versatile disc (DVD), microfilm, or similar form	Actual Costs
§74-102 (10)	Where copies of records are mailed or shipped	Actual Costs

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Exceptions:

N/A

References:

Idaho Code §§ 74-101 through 74-126 contains provisions of the Idaho Public Records Act.