

City of Idaho Falls



PUBLIC RECORDS REQUEST POLICY

PURPOSE

This policy outlines procedures for public records requests upon the City of Idaho Falls that have been adopted by the City Council to ensure citizens have access to public documents, while at the same time preserving the efficiency and productivity of City operations while protecting the privacy rights of individuals.

Idaho Falls is a public entity and as such, disclosure of public City records is governed by Idaho Code.

POLICY

I. EXEMPTIONS FROM DISCLOSURE

- A. **Exemptions from Public Disclosure.** Certain types of records are specifically exempted by law from the disclosure requirements and will not be made available to the public. This section does not contain the text of statutory exemptions, and the City will rely on the full text and all exemptions of the law when determining whether to grant or deny a records request.

II. PROCEDURE FOR MAKING AND RESPONDING TO RECORDS REQUESTS

- A. **Request to be in writing.** The City of Idaho Falls requires that any request to inspect public records be made in writing, signed by the requester and delivered to the office of the City Clerk:

In person: City's Clerks Office
308 Constitution
Idaho Falls, Idaho 83405

By US Mail: Office of City Clerk
Attn: City Clerk
P.O. Box 50220
Idaho Falls, Idaho 83405

By Electronic Mail: ifclerk@idahofallsidaho.gov

By Fax: (208) 612-8560

- Requests must be written and signed and may be delivered by mail, electronic mail, fax or in person. The requester's name, mailing address, email address and a current telephone number must be provided for the purpose of enabling the City to contact the requester with its response or to clarify the request. The requester must use the form provided by City at the end of this policy. The "Request for Public Records" form will also be available through the City's website, www.idahofallsidaho.gov.

- Each person submitting a request to inspect or take a copy of a public record must agree by signing the request form that the response, if in the form of a list, will not be used as a telephone or mailing list. Upon receipt of a written request, the City Clerk will record the date and time of the request, and prepare a response as promptly as circumstances allow, seeking legal advice when necessary.
- After receipt of a public records request, the City shall make no inquiry of the requestor, except to obtain the information referenced in section 2A above and to protect privacy rights concerning personal information.

B. Time, Place and Manner of Inspection (I.C. § 9-338). It is the City's policy to provide access to and copies of records promptly, whenever possible. Examination of records must be done during normal business hours, unless otherwise authorized by the Mayor or the Director of the Division that will be providing the public record.

C. Responding to the Request - Timing (I.C. § 9-339). A request to inspect or copy records must be granted or denied within three (3) working days. However, if more time is needed to locate or retrieve the requested records, the City may take up to ten (10) days to respond, provided the City first notifies the requester, in writing, that additional time is required. If no response is provided, the request will be deemed to have been denied after ten (10) working days from the request.

D. Exempt and Non-exempt Records (I.C. § 9-341). If a requested public record contains information that is nonexempt as well as information that is exempt from disclosure, the City may find it necessary to remove or strike out the exempt information and provide the nonexempt information, along with a written explanation of the rationale and source of legal authority for the partial denial. If records assembly and removal of exempt information involves more than two (2) hours of personnel time, the City will estimate the time required and inform the requester that prepayment will be necessary before such expenses are incurred. Personnel costs will be charged at the lowest rate possible for the task at hand. Whenever prepayment exceeds actual costs a refund will be issued within no more than seven (7) working days after the record is provided. Whenever prepayment is insufficient to cover the costs of complying with a request, the full cost must be paid before any records from the request are released.

E. Denial of a Request to Inspect Records (I.C. § 9-339). A request to inspect or copy a public record may be denied in whole or in part only after having the request reviewed by legal counsel. A denial or partial denial of a request must be provided to the requester in writing stating the statutory authority for the denial and clearly stating that the requester has the right to petition the district court for an order to compel disclosure. The time limit for doing so is one hundred eighty (180) days from the date of denial.

III. FEES AND CHARGES FOR PROVIDING PUBLIC RECORDS

- A. **Charging for Copies.** Copies of one hundred (100) or fewer pages that are readily available for copying will be provided free of charge one time during a calendar year. If the request is for a greater number of records, copying fees will be charged for **ALL** copies provided, beyond the initial 100. **Advance payment is required.**

The current fee for standard photocopies is five cents (\$ 0.05) per page – additional cost for color copies. The City will not provide multiple copies of the same document. With respect to provision of public records, the City will not compile information to create a document that does not already exist.

- B. **Charging For Labor.** The fee charged for locating or copying a public record generally cannot include general administrative costs. However, the City **will** charge for labor costs where: (1) the request is for more than one hundred (100) pages of paper records; or (2) the request includes records from which exempt information must be deleted; or (3) the actual labor associated with locating and copying or deleting information from documents exceeds two (2) person hours. **Advance payment is required.** In order to sustain a productive workplace, the City may retain temporary personnel to oversee records examination or perform copying pursuant to this section. Such costs must be pre-paid by the requesting party. The Mayor is authorized to waive or adjust charges or requirements established by this policy consistent with interests of the public and the City or as required by statute.

- C. **Other Charges and Fees.** Because of volume requirements or other specialty printing conditions the City may choose to obtain copies made to satisfy a public records request from a commercial copying service. In such cases, the person making the request shall be responsible for the actual cost charged by the commercial copying service with no additional mark-up.

The fees to be charged for providing public records in the form of computer tape, computer disk, compact disk (CD), microfilm or similar or analogous record shall be the direct cost of copying the information in that form, which costs shall include the cost of blank media and labor costs if the time for making copies and/or making redactions exceeds two (2) hours.

If there is reason to believe that a requestor or group of requestors is attempting to break a request down into a series of requests for the purpose of avoiding the assessment of fees, the City will aggregate similar or related requests to determine the total fee and will charge accordingly.

When copies or printouts are duplexed, each side of the copy on which print appears shall be treated as a single copy for the purpose of fee assessment. In this way, fees for duplexed copies shall be assessed according to the same schedule as fees for single-sided copies.

D. A Requestor is not responsible for payment of charges incurred by such request, if the requestor demonstrates:

- (1) The inability to pay; or
- (2) that the public's interest or the public's understanding of the operations or activities of government or its records would suffer by the assessment or collection of any fee.

E. **Shipping and Mailing Records.** If requested, the City will mail the copied records. If the cost of mailing exceeds the current first class postal charge for one ounce, the City will require advance payment for the costs of postage and necessary mailing supplies.