



Applicable Law

1. Requests for public records from the files of the State of Idaho, Department of Finance (DOF) or for inspection of such records are subject to the requirements of the Idaho Public Records Law, Idaho Code §§ 9-337 through 9-350, and other laws specifically addressing records maintained by the DOF. Such laws exempt certain records or information that may be included in such records from disclosure to the public. The DOF will review all public records requests to determine whether DOF records falling within such requests are exempt from disclosure pursuant to such laws.

Requests Must Be in Writing

2. Requests for copies of public records from the files of the DOF or for inspection of such records must be made in writing. A person making such a request (Requester) must provide his or her name, mailing address, and a current telephone number. [I.C. § 9-338(4)] Providing a current e-mail address will facilitate communications between the DOF and the Requester concerning the public records request.
3. A request for public records submitted to the DOF by electronic mail or facsimile shall be deemed to be a written request. A public records request submitted by e-mail should be directed to: finance@finance.idaho.gov. A faxed public records request should be directed to: (208) 332-8097. Requests made by mail should be directed to:

Idaho Department of Finance
Attn: Public Records Coordinator
P.O. Box 83720
Boise, Idaho 83720-0031

Public records requests submitted to the DOF in any other way may cause delay in response time by the DOF.

4. After receipt of a public records request, the DOF shall make no inquiry of the Requester, except to obtain the information referenced in paragraph 2 above, and to protect privacy rights concerning personal information. [I.C. § 9-338(4)]

Response Time

5. A public records request shall be deemed to be received by the DOF on the date the DOF's Public Records Coordinator receives the written request. If the request is submitted electronically, it must be directed as set forth in paragraph 3

above, and the date of receipt shall be the date the electronic file is received by the DOF's Public Records Coordinator. If the request is submitted by fax, it must be directed as set forth in paragraph 3 above, and the date of receipt shall be the date the fax is received by the DOF's Public Records Coordinator.

6. After the DOF receives a request for public records as set forth in paragraph 5 above, it shall either grant or deny the request within three (3) working days of the date of the receipt of the request. If the DOF determines that a longer period of time is needed to locate or retrieve the public records requested, the DOF shall notify the Requester in writing that a longer period of time is needed, and that such records will be provided no later than ten (10) working days following receipt of the request. [I.C. § 9-339(1)]
7. If the DOF determines that existing electronic records requested by a Requester will first have to be converted to another electronic format by the DOF or by a third party, and that such conversion cannot be completed within (10) ten working days, the DOF shall so notify the Requester in writing. In that event, the DOF shall provide the converted public records at a time mutually agreed upon between the DOF and the Requester, with due consideration given to any limitations that may exist due to the process of conversion or due to the use of a third party to make the conversion. [I.C. § 9-339(1)]
8. If the DOF denies the Requester's request for examination or copying of public records or denies the request in part, the DOF shall notify the Requester in writing of the denial or partial denial of the request for the public records. [I.C. § 9-339(3)]
9. The notice of denial or partial denial shall state that a Deputy Attorney General reviewed the request or that the DOF has had an opportunity to consult with a Deputy Attorney General regarding the request and has chosen not to do so. The notice of denial or partial denial shall also indicate the legal authority for the denial and indicate clearly the Requester's right to contest the denial or partial denial. [I.C. § 9-339(4)]
10. If the DOF fails to respond to a public records request that has been properly made, the request shall be deemed to be denied within ten (10) working days following receipt of the request by the DOF. [Idaho Code § 9-339(2)]
11. If the DOF deems that disclosure of certain information included in a public record would constitute an unwarranted invasion of personal privacy, it will redact such information from the public record before it will provide a copy of such record in response to a public records request.

Requester's Rights if Request is Denied or Partially Denied

12. The sole remedy for a person aggrieved by the denial of a request for disclosure is to institute proceedings in the district court of Ada County to compel the DOF to make the information available for public inspection. The petition contesting

the DOF's denial shall be filed within one hundred eighty (180) calendar days from the date of mailing of the notice of denial or partial denial by the DOF. The time for responsive pleadings and for hearings in such proceedings shall be set by the court at the earliest possible time, but in no event beyond twenty-eight (28) calendar days from the date of the filing. [I.C. § 9-343(1)]

Copying of Records

13. Where the number of copies of public records that will be provided by the DOF in response to a public records request is less than one hundred (100) pages, the DOF will copy the public records and mail them to the Requester. If the number of public records to be provided exceeds one hundred (100) pages, the DOF may contact the Requester and arrange an appointment for the Requester to visit the DOF's offices in Boise, Idaho to examine the public records and determine which public records he or she wishes to be copied. Such appointments will generally occur during the regular office hours of the DOF, which are Monday through Friday from 8:00 a.m. to 5:00 p.m., except for state holidays. Should the appointment be scheduled for a time after regular DOF office hours due to special circumstances, a person shall be designated by the DOF to represent the DOF during such examination, and shall be paid reasonable compensation for such service by the DOF out of funds provided in advance by the Requester. [I.C. § 9-338(7)]
14. The DOF will not provide public information in a format not used by the DOF in the normal course of business, unless the DOF determines that special circumstances warrant doing so. Extra charges incurred by the DOF in preparing such public information in the new format may be charged to the Requester. Further, the DOF will not create a new document that does not already exist in its records in response to a public records request.

Copying Fee Schedule

15. The DOF has established a copying fee schedule concerning public records requests. The fee may not exceed the actual cost to the DOF of copying such records. The actual cost shall generally not include any administrative or labor costs resulting from locating and providing a copy of the public record; however, the DOF may establish a fee to recover the actual labor cost associated with locating and copying public records, if:
 - (a) The request is for more than one hundred (100) pages of paper records; or
 - (b) The request includes records from which nonpublic information must be redacted; or
 - (c) The actual labor associated with locating and copying documents for a request exceeds two (2) person hours.

[I.C. § 9-338(8)(a)]

16. The DOF may request advance payment of the cost of copying public records. [I.C. § 9-338(8)(b)]
17. In providing a duplicate of a computer tape, computer disc, microfilm or similar or analogous record system containing public information, the DOF may charge a fee, uniform to all persons, that does not exceed the sum of the following:
- (a) The DOF's direct cost of copying the public information in that form;
 - (b) The standard cost, if any, of selling the same public information in the form of a publication;
 - (c) The agency's cost of conversion, or the cost of conversion charged by a third party, if the existing electronic record is converted to another electronic form.

[I.C. § 9-338(8)(b)]

18. The following is the DOF's copying fee schedule, pursuant to Idaho Code § 9-338(8):

Type of Work Involved	Charges
Photocopying less than 100 pages on standard 8 ½ x 11 paper where no redacting of confidential information is required	No charge
Photocopying on paper other than standard 8 ½ x 11 paper (e.g. blueprints, maps, etc.)	Actual copying cost, varies depending on size
Retrieval of archived information	\$3 per box, or actual out of pocket cost
Photocopying more than 100 pages on standard 8 ½ x 11 paper	\$12 per hour plus \$.10 per page
Request includes records from which non-public information must be redacted	\$12 per hour plus \$.10 per page
Where actual labor associated with locating and photocopying/printing hard copy and/or electronic documents equals or exceeds two (2) person hours	\$12 per hour plus \$.10 per page
Where DOF incurs out of pocket costs required for providing the requested records	Actual out of pocket cost
Where DOF has a standard charge for selling information in the form of a publication	Standard cost for selling information in the form of the publication

19. If the DOF determines that circumstances reasonably require, it may use a commercial copying service to photocopy public records in response to a public records request. In such cases, the Requester shall be responsible for the amounts charged by the commercial copying service if the cost is \$5.00 or more. The DOF will make reasonable efforts to inform the Requester beforehand that it

will use a commercial copying service and provide a reasonable estimate of the anticipated costs to the Requester. The Requester may be required to pay such charges prior to the DOF arranging for the commercial copying service to copy the public records responsive to the request.

20. If the DOF has reason to believe that a Requester or group of Requesters is attempting to break down a large request for copies of public records into a series of smaller requests for the purpose of avoiding the imposition of charges, the DOF will aggregate such requests for the purpose of determining appropriate charges and will impose charges accordingly.
21. When copies or printouts are duplexed, each side of a sheet of paper on which print appears shall be treated as a separate copy for the purposes of charges due.
22. Idaho sales tax shall be assessed to the Requester on all charges payable to the DOF for copying fees and other costs incurred by the DOF in responding to a public records request.
23. A Requester is not responsible for payment of charges incurred by such request, if the Requester demonstrates:
 - (a) the inability to pay; or
 - (b) 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.

[I.C. § 9-338(8)(c)]

Any request to waive otherwise chargeable costs and fees made by a Requester must be supported by the demonstration referenced in I.C. § 9-338(8)(c).

Shipping and Mailing Fees

24. Where copies of public records provided by the DOF in response to a public records request are mailed or shipped to the Requester, and the cost is \$5.00 or more for such mailing or shipping, the Requester shall be responsible for reimbursement to the DOF of the actual mailing or shipping cost incurred by the DOF. The DOF may require that the Requester pay such charges in advance of the mailing or shipping of the public records responsive to the request.

Advance Notice to Requester of Charges Due for Public Records

25. When it appears to the DOF that its response to a public records request will subject the Requester to charges of \$5.00 or more, the DOF may provide a reasonable estimate of the expected charges to the Requester prior to preparing the public records to be provided to the Requester. Once such reasonable

estimate has been provided to the Requester, the DOF may require prepayment by the Requester prior to preparation of the public records.

26. The failure of the DOF to provide a reasonable estimate to the Requester and to require prepayment of the charges due, do not excuse the Requester from the responsibility to pay to the DOF the appropriate charges after the response to the request for public records has been provided.

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