

Idaho Public Records Law

State of Idaho



Office of Attorney General
Lawrence Wasden

Office of the
Attorney General

Idaho Public Records Law Manual

Idaho Code §§ 74-101 through 74-126



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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 or persons 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.



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. **Personal notes created by a public official for own use unless notes shared with others/entity.**



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.

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Idaho Code §§ 74-102 & 119
PRLM pp. 21-26

Copying Fee Restrictions

1. Fee may not exceed the actual cost to the agency.
2. Rate is at lowest on staff capable of handling.
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. May aggregate repeat/continuous requests.
6. Advance payment may be required.



How Are Requests Responded To?

- Grant or deny a person's request to examine or copy public records within three (3) working days in writing.
- 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.
- Indicate longer time in writing
- Sort exempt and non-exempt material.
- May inquire to narrow the request.

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Idaho Code § 74-103
PRLM pp. 26-27

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).
- Must indicate specific exemption relied upon.
- State statutory reason for denial.
- State right to appeal denial.



Newer Exemptions

- Idaho Code § 74-105(19): Records of the Criminal Justice Integrated Data System received by the State Controller.
- Idaho Code § 74-105(18): Records of the Public Defense Commission related to representation.
- Idaho Code § 74-102(4): Public agency may require specificity in the request including a date range and description to enable location with reasonable effort.
- Idaho Code § 74-109(1-5): Personal (nonpublic business) communications between legislators, personal identifying information of citizens (not including lobbyists).
- Idaho Code § 74-106(4)(g)&(h): Social security numbers are exempt, redacted personal identifying information may be disclosed in a specific format. (Birth year, last 4 of financial, driver's license/ id, last 4 of employer id # or business taxpayer id #).

Idaho Code § 74-119

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Exemptions

- **74-104** - exemptions provided for in state or federal law (1)
- **74-105** - law enforcement and investigatory records (1) [*see also 74-124 & 74-125*], infrastructure & emergency response plans (4b), workers comp (10)
- **74-106** - 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 (30)

Exemptions

- **74-107** - trade secrets (1), production records (2), bids (3)
- **74-108** – archaeological (1&2), endangered species (1), library records (3&4), licensing exams (5)
- **74-109** - draft legislation (1), audit selection (2)

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.

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Idaho Code § 74-113 & 114
PRLM 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 74-101 through 74-126, Idaho Code.

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Idaho Code § 74-115
PRLM 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.

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Idaho Code § 74-116
PRLM pp. 53-54

Miscellaneous Provisions

- 74-117 Bad Faith Penalty
- 74-118 Immunity
- 74-119 Agency Guidelines
- 74-120 Mailing List Prohibition
- 74-122 Confidentiality Language



Questions?

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