

SECTION: Administrative

SUBJECT: Public Records Requests

“Cover Sheet” Information

Background: The purpose of this policy is to set the standards for requests and/or copying of public records.

Idaho Code Title 9 Sections 337-347 <http://www3.state.id.us/idstat/TOC/09003KTOC.html>

Point of Contact: Administrative Services

Other LCSC offices directly involved with implementation of this policy, or significantly affected by the policy: Academic Affairs (Provost’s Office); President’s Office

Date of approval by LCSC authority: 03/2009

Date of State Board Approval: N/A

Date of Most Recent Review: February 1987; March, 2009

Summary of Major Changes incorporated in this revision to the policy: Update titles and rates.

1. Procedures for Responding to Requests for Examination and/or Copying Public Records.

Lewis-Clark State College will grant requests for the examination and/or copying public records in its custody in accordance with Title 9 Sections 337-347, Idaho Code.

Unless otherwise exempt, as set forth in Section 9-340, Idaho Code, and other state and federal laws and regulations, all public records within the custody of this institution are subject to disclosure. "Public record" includes but is not limited to, any writing containing information relating to the conduct or administration of the public's business prepared, owned, used or retained by the institution regardless of physical form or characteristics.

"Writing" includes, but is not limited to handwriting, typewriting, printing, photostating, photographing and every means of recording, including letters, words, pictures, sounds or symbols or combination thereof, and all papers, maps, magnetic, or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums or other documents.

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2. Written Requests

- A. Any person requesting to examine and/or copy records shall make a written request.

3. Obligation of Custodian of Records

- A. In all cases in which a request to examine and/or copy records is made, it shall be the obligation of the public records custodian or his or her designee to assist the person making the request. Custodians of records are expected to be familiar with the provisions of Title 9 Sections 337-347, Idaho Code. Custodian is defined in policy 1.115.

4. Fees

- A. No fee will be charged for the examination of public records unless it meets the requirements of the Idaho Code 9-338. The institution may charge, in advance, a reasonable fee for the examination and/or copying which occurs outside regular business hours, for providing copies of public records, for use of copy equipment, and for duplication of computerized records, at the following rates:

1) Charge for Inspection Outside Regular Business Hours

For inspection and/or copying of public records during other than regular business hours, the actual hourly compensation to which the custodian, or his designee, is entitled, in addition to copying costs established herein. The final decision concerning whether to permit inspection and/or copying outside regular business hours shall rest with the Vice President for Finance and Administration or his/her designee.

2) Copying Charge

For providing copies of public records, an amount not to exceed the actual cost of photocopying records. LCSC's cost is currently seven (7) cents per copy. The institution may add an actual labor charge if the request is over one hundred (100) pages of papers. In addition the institution may charge a fee if the actual labor associated with locating and copying documents for a request exceeds two (2) person hours.

3) Charge For Computer Or Similar Records

For reproducing public records which are in the form of a computer tape, computer disc, microfilm or similar or analogous record system, a charge, not

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to exceed the sum of the direct cost of copying the information in that form or the standard cost, if any, for selling the same information in the form of a publication. The institution will charge for the cost of conversion, or the cost of conversion charged by a third party, if the existing electronic record is converted to another electronic form.

5. Determination of Exempt Records

The custodian or his/her designee, and where appropriate, in consultation with counsel for the institution, will determine whether a record requested in accordance with these procedures is exempt from disclosure under applicable federal and state statutes.

6. Time for Granting or Denying Request

Public records custodians shall grant or deny a request to examine or copy public records within a maximum of three (3) working days of the date of the receipt of the request.

7. Extensions of Time

If the public records custodian determines that a longer period of time is needed to locate or retrieve the public records, the custodian shall notify, in writing, the person making the request, and shall provide the public records to the person no later than ten (10) working days following the person's request. If it is determined the existing electronic record requested will first have to be converted to another electronic format by the agency or by a third party and that such conversion cannot be completed within ten (10) working days, the agency shall so notify in writing the person requesting to examine or copy the records. The agency shall provide the converted public record at a time mutually agreed upon between the agency 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 all in accordance to Idaho Code 9-339.

8. Denials

A. All denials or partial denials of requests for examination and/or copying of public records shall include:

1) Reason for Denial

A written statement specifying the reason for the denial, including reference to the specific statutory authority for the denial.

2) Attorney or Agency Review

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A statement that the attorney for LCSC has reviewed the request for examination and/or copying, or a statement that the department has had an opportunity to consult with an attorney regarding the request for examination or copying of a record and has chosen not to do so.

3) Appeal Rights

A statement notifying the person making the request for examination and/or copying of a record of the person's right to appeal the denial or partial denial and the time period for doing so. Appeal shall be to the district court of the county where the records or some part of them are located and shall be commenced within 180 calendar days of the date of the mailing of the notice of denial.

9. Protection of Public Records

Records shall not be removed from the place designated for their inspection unless the custodian of records specifically agrees to another location.