

Definitions – Idaho Code § 74-101

- “Public Record”

Any writing containing information relating to the conduct or administration of the public’s business prepared, owned, used or retained by any state agency . . . regardless of physical form or characteristics.

– Provided, however, that personal notes created by a public official solely for his own use shall not be a public record as long as such personal notes are not shared with any other person or entity.

- “Writing”

Includes, but is not limited to, handwriting, typewriting, printing, photostating, photographing, and every means of recording.

Requests

- A public agency may require that a request for public records be submitted in writing.
 - Specifically describes the subject matter and records sought, including a specific date range for when the records sought were created.
 - Requesting party shall be as specific as possible
 - Describe records sought in sufficient detail for agency to locate with reasonable effort
- Examination must be conducted during regular office or working hours.
- Custodians can use vigilance as required to prevent alteration of public records while being examined.

Responses to Requests

- Time Requirements – Idaho Code § 74-103
 - Grant or deny within 3 working days
 - If a longer period of time is needed to locate or retrieve the records, the requestor shall receive the record no later than 10 working days from the request.
- IDL has a policy for responding to requests

Exemptions & More

- Exemptions to disclosure are located in the Public Records Law and other statutes
- Narrowly construed
- Penalty (Idaho Code § 74-117)
 - Official deliberately and in bad faith refused a legitimate request
- Immunity (Idaho Code § 74-118)
 - No liability for any loss or damage based on release if acted in good faith to comply

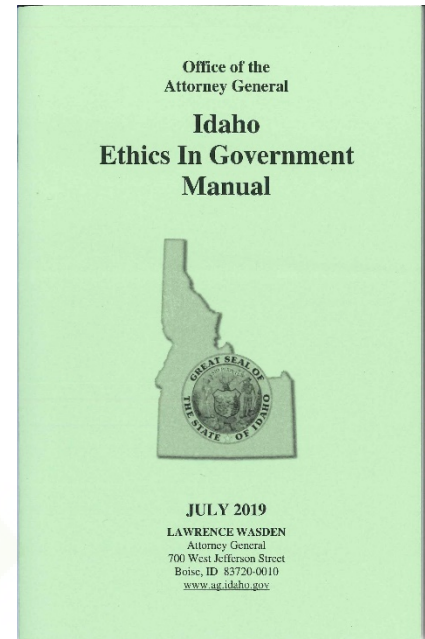
Denial

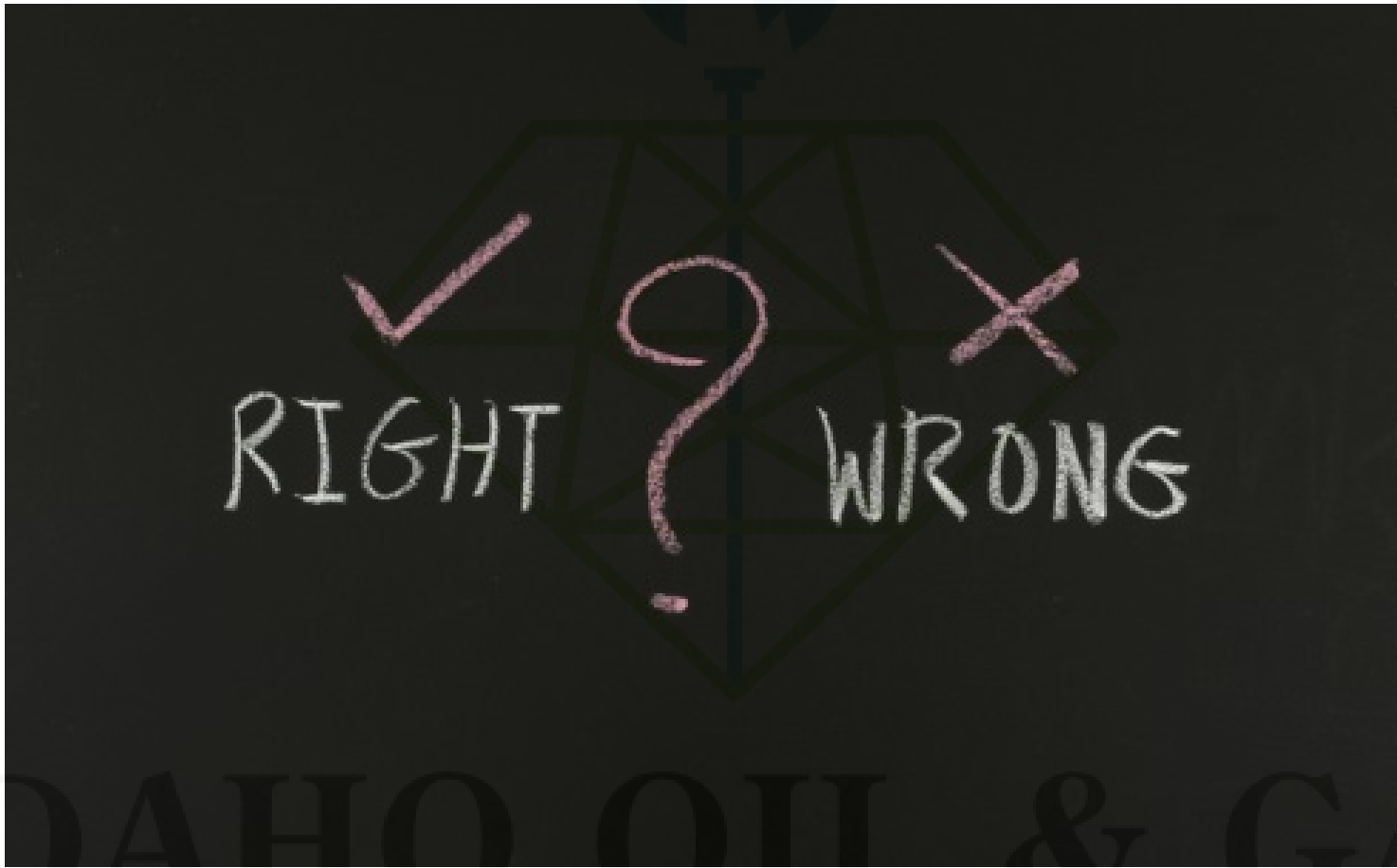
- If denied or partially denied, requestor will be notified of denial in writing
- Denial will state appeal rights
- Denial will state whether or not an attorney has reviewed that denial.

Idaho Code § 74-103

Ethics

- Ethics in Government Act
(Idaho Code §§ 74-401 – 74-406)
- Prohibitions Against Contracts with Officers
(Idaho Code §§ 74-501 – 74-511)
- Bribery and Corrupt Influence Act (Idaho Code
§§ 18-1351-18-1362)





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Ethics in Government Act



- Applies to Commissioners
- “The position of a public official at all levels of government is a public trust.” Idaho Code § 74-402.

Questions?



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