

**Public Records Request Policy
City of Dover, Idaho**

I. INTRODUCTION

All citizens in a democratic society are entitled to openness in government. Idaho's Open Meeting and Public Records laws ensure that state and local government business is conducted in the open, that citizens have access to public documents, and at the same time the privacy of citizens is protected.

Section 74-101 through 126, Idaho Code contains provisions of the Idaho Public Records Act.

Whenever provisions of this policy conflict with established requirements of Idaho Code, provisions of Idaho Code shall prevail.

II. POLICY

Records of the City of Dover are available for public inspection during the City's regular business hours. Arrangements for such examination must be made with the records custodian to assure that applicable provisions of the public records statute are followed and that orderly operation of city activities is not disrupted. Copies of standard-sized records may be made as provided by state statute. Copies of extraordinary records (by size or configuration) shall be provided to a requester at the City's net cost of reproduction, as set by resolution. Public records are maintained in City storage or Dover City Hall.

III. DESIGNATION OF RECORDS CUSTODIAN

The City Clerk is designated as the primary records custodian for official records of the City. The records custodian or mayor may delegate response duties to fellow employees or subordinates, to act in their stead, or otherwise.

IV. PROCEDURE FOR MAKING AND RESPONDING TO RECORDS REQUESTS

A. Requests Must Be In Writing.

Any request to inspect public records must be made in writing on the city's public record request form (herewith or www.cityofdover.id.gov), signed by the requester and delivered to the appropriate designated records custodian. For records requests so minor or so routine that no confusion could result, the records custodian may waive any formalities upon receiving such request.

B. Requests – Required Information

Requests may be received by e-mail or postal mail and must include the requester's name, mailing address, e-mail address and telephone number.

E-mail: dovercity@nctv.com

Mail: City of Dover, PO Box 117, Dover, Idaho 83825

Each person submitting a request to inspect or take a copy of a public record must agree such record will not be used as a telephone or mailing list.

C. Time, Place and Manner of Inspection

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 city business hours, unless otherwise authorized by the records custodian, and inspection of such records will be done at City Hall. Response to records requests is subordinate to accomplishment of everyday work for the benefit of public. With respect to provision of public records, the City will not compile information to create a document or record that does not already exist. The City will not provide multiple copies of the same document.

D. Responding to the Request – Timing

A request to inspect or copy records will be granted or denied within three (3) working days of the date when a completed written request is received. However, if more time is needed to locate or retrieve the requested records, the records custodian will notify the requester in writing that more time is needed, and then grant or deny the request in whole or in part within ten (10) working days following the request. (Section 74-103 (1) (2015)).

The records custodian may provide the requester information to help the requester narrow the scope of the request or to help the requester make the request more specific when the response to the request is likely to be voluminous or require payment as provided in section 74-102(10) (2015), Idaho Code.

If no response is provided, state law provides that the request will be deemed to have been denied after ten (10) working days from the date of receipt of a completed written request. The City will endeavor to explain the reasons underlying any denial of access to any public record as per section 74-103(2) 2015, Idaho Code

V. RECORDS EXEMPT FROM PUBLIC 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 policy does not include the substantive text of statutory exemptions but incorporates those exemptions by reference to the applicable statutes; particularly title 74, chapter 1, Idaho Code. The City will rely on the full text and all exemptions of the law when determining whether to grant or deny a records request. Disclosure of public records where confidentiality is mandated by state law will only be made when a requester demonstrates an exception to the rule of nondisclosure recognized by statute or when ordered to disclose by a court or agency of competent jurisdiction. When state law declares that certain records

need not be disclosed, typically the City will not disclose such information unless it receives an explanation and is persuaded that the public interest would be served by disclosure. The City may, on occasion, decline to disclose what it deems to be private or personal information and seek court direction concerning release. The City reserves the right to disclose public records of any type in order to defend the City against claims of misconduct or failure to perform public duties.

B. Exempt and Non-exempt Records

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 record assembly and removal of exempt information involves more than 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 in accordance with statutory requirements. Whenever prepayment exceeds actual costs a refund will be issued within no more than ten (10) 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.

C. Denial of a Request to Inspect Records

Any response denying a request to inspect or copy a public record will be reviewed by the office of the city attorney. A written denial or partial denial of a request will be provided to the requester stating the statutory authority for the denial and informing the requester about the rights of a requester to seek an order to compel disclosure. The time limit for doing so is currently (9/2016) one hundred eighty (180) days from the date of denial. Review of the applicable statute should confirm appeal procedures whenever a denial is issued.

VI. FEES AND CHARGES FOR PROVIDING PUBLIC RECORDS

Fees and costs related to public records request, including but not limited to copies, labor, compact disc (CD), other specialty printing or copying, mailing, and faxing shall be established by resolution.

VII. Authorization to Records Custodians.

The authorized records custodians for the City are hereby authorized to deviate from provisions of this policy, as they may deem appropriate in order to provide openness in public matters while maintaining a policy objective of recovering costs consistent with benefits provided. Such variation from adopted policy should not compromise efficiency of City operations or legally required confidentiality of public documents. No such disclosure shall be allowed to compromise the interests of the City of Dover as a municipal corporation.