

Pursuant to the Idaho Public Records Act (“Act”), all records maintained by Minidoka County Joint School District are open to the public for inspection and copying at reasonable times, unless the information is specifically exempted from disclosure by Idaho law.

Designated Custodians

Designated custodians are those employees authorized to perform specific responsibilities that are described in this policy, including denying requests for information when appropriate to do so. The following persons are the designated custodians for Minidoka County School District:

The Superintendent of Schools

Business Manager

Board Clerk

~~The Assistant Superintendent of Schools~~

Records Available to Public

Subject to the limitations provided herein, and as provided by law, full access to public records concerning the administration and operations of the District shall be afforded to the public. Public access to District records shall be afforded according to appropriate administrative procedures.

Every person has the right to examine and take a copy of any public record at all reasonable times. All District records except those restricted by state and federal law shall be made available to citizens upon written request for inspection at the Clerk's office.

The Superintendent shall serve, or designate someone to serve, as “Public Records Coordinator” with the responsibility and authority for ensuring compliance with the display, indexing, availability, inspection, retention, and copying requirements of federal law, state law, and this policy. Responsibility and authority for indexing shall include identifying the general subject matter of all public records kept or maintained by the District, the custodian of these records, and their physical location. The identified physical location of the District’s records is provided in the Retention of District Records Policy. The Public Records Coordinator shall authorize the inspection and copying of the District's records only in accordance with the criteria set forth in this policy and in compliance with state and federal laws.

A written copy of the Board’s minutes shall be available to the general public within a reasonable time after the meeting in which they are approved. Drafts of the Board’s minutes are considered to be public records and shall be produced upon request. However, the District shall watermark such public records with the statement “Unofficial Draft Minutes not yet reviewed or approved by Board.”

Definitions

A “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 any state agency, independent public body corporate and politic, or local agency regardless of physical form or characteristics.

A "writing" includes, but is not limited to, handwriting, typewriting, printing, photocopying, 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.

MATERIALS Records Exempt From Disclosure PUBLIC REVIEW

~~Idaho State Code explains that particular records are exempt from disclosure to the public. The following list sets forth some of the designated exempt records:~~ **In accordance with Idaho Code, the following records shall NOT be subject to public inspection or copying:**

1. Any public record exempt from disclosure by federal or state law or federal regulations to the extent specifically provided for by such law or regulations. ~~This includes, but is not limited to, student records under the Family Educational Rights and Privacy Act.~~
2. All personal records of a current or former employee other than the employee's public service or employment history, classification, pay grade and step, longevity, gross salary and salary history, status, workplace, and employing district.
3. ~~All other personal information relating to the employee or applicant, including, but not limited to, information regarding sex, race, marital status, birth date, home address and telephone number, applications, testing and scoring materials, grievances, correspondence and performance evaluations, shall not be disclosed to the public without the employee's or applicant's written consent. An employee or authorized representative may inspect and copy his or her personnel records, except for material used to screen and test for employment. Retired employees' and retired public officials' home addresses, home telephone numbers, and other financial and non-financial membership records.~~
4. **Records of a current or former employee other than the employee's duration of employment with the District, position held, and location of employment. This exemption from disclosure does not include the contracts of employment or any remuneration, including reimbursement of expenses. However, all other personnel information relating to a public employee or applicant including, but not limited to, information regarding sex, race, marital status, birth date, home address and telephone number, net pay, applications, testing and scoring materials, grievances, correspondence, and performance evaluations shall not be disclosed to the public without the employee's or applicant's written consent.**
5. **Records relating to the appraisal of real property, timber, or mineral rights prior to its acquisition, sale, or lease by the District.**

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6. Any estimate prepared by the District that details the cost of a public project until such time as disclosed, or bids are opened, or upon award of the contract for construction of the public project.
 7. Records of any risk retention or self-insurance program prepared in anticipation of litigation, or for analysis of, or settlement of potential or actual money damage claims against the District or its employees except as otherwise discoverable under the Idaho or federal rules of civil procedure. These records shall include but are not limited to claims evaluations, investigatory records, computerized reports of losses, case reserves, internal documents, and correspondence relating thereto. At the time any claim is concluded, only statistical data and actual amounts paid in settlement from public funds shall be deemed a public record unless otherwise ordered to be sealed by a court of competent jurisdiction. Provided however, nothing in this subsection is intended to limit the attorney client privilege or attorney work product privilege otherwise available to any public agency or independent public body corporate and politic.
 8. Computer programs developed or purchased by or for the District for its own use. As used in this subsection, "computer program" means a series of instructions or statements which permit the functioning of a computer system in a manner designed to provide storage, retrieval, and manipulation of data from the computer system, and any associated documentation and source material that explain how to operate the computer program. This does not include:
 - A. The original data including but not limited to numbers, text, voice, graphics, and images;
 - B. Analysis, compilation, and other manipulated forms of the original data produced by use of the program; or
 - C. The mathematical or statistical formulas that would be used if the manipulated forms of the original data were to be produced manually.
 9. Personal information from any file maintained for students. Information from student records shall be disclosed only in accordance with the requirements of the Family Educational Rights and Privacy Act Idaho Code, and adopted District policy.
 10. Test questions, scoring keys, or other examination data used to administer academic tests.
 11. Records relevant to a controversy to which the District is a party, but which records would not be available to another party under the rules of pretrial discovery for cases pending resolution.
 12. Records of buildings, facilities, infrastructures, and systems when the disclosure of such information would jeopardize the safety of persons or the public safety. Such records may include emergency evacuation, escape, or other emergency response plans;

vulnerability assessments; operation and security manuals; plans; blueprints; or security codes.

However, all personnel records of a current or former public official reflecting public service or employment history, classification, pay grade and step, longevity, gross salary and salary history, status, workplace, and employing agency are subject to public inspection and copying.

If the record requested for inspection and/or copying contains both information exempted from disclosure and nonexempt information, the District shall, to the extent practicable, produce the record with the exempt portion deleted and shall provide a written explanation for the deletion

Response To Requests

The District shall require that a public records request be submitted in writing upon a form prescribed by the District with the requester's name, mailing address, email address, and telephone number. A request for public records may be conducted by electronic mail. The District 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 records requested are voluminous or costly.

The District shall either grant or deny a person's request to examine or copy public records within three working days of the date of the receipt of a request for public records. If a longer period of time is needed to locate or retrieve the records, the District shall notify the person requesting the records of the same and provide the records to such person not later than ten working days following the request. In the event an individual requests a record be provided in electronic format, the District shall provide the record in electronic format if the record is available in that format. If a record is requested in electronic format and the record cannot easily be converted to electronic format within ten working days, the District shall notify the person requesting the records of this fact and provide them with an estimate of the time necessary to complete the conversion. The documents shall then be provided at a time mutually agreeable to the parties giving consideration to any limitations that may exist regarding electronic conversion.

If the District fails to respond, the request shall be deemed to be denied within ten working days following the request. If the District denies the request for examination or copying the public records or denies in part and grants in part the request for examination and copying of the public records, the Public Records Coordinator shall notify the person in writing of the denial or partial denial of the request for the public record. The notice of denial or partial denial shall state that the attorney for the District has reviewed the request or shall state that the District 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. The notice of denial or partial denial also shall indicate the statutory authority for the denial and indicate clearly the right to appeal the denial or partial denial and the time periods for doing so.

The Public Records Coordinator is authorized to seek an injunction to prevent the disclosure of records otherwise suitable for disclosure when it is determined that there is reasonable cause to believe that the disclosure would not be in the public interest and would substantially or

irreparably damage any person or would substantially or irreparably damage vital governmental functions.

Fee Waiver

The District will adhere to its copying fee schedule, unless it is determined by the Public Records Coordinator that the individual making such a request has demonstrated information sufficient to fulfill the following test:

1. That the requester's examination and/or copying of public records is likely to contribute significantly to the public's understanding of the operations and activities of the government;
2. That the requester's examination and/or copying of public records is not primarily in the individual interest of the requester including, but not limited to, the requester's interest in litigation in which the requester is or may become a party; and
3. That the requester's examination and/or copying of public records will not occur if fees are charged because the requester has insufficient financial resources to pay such fees.

Upon a request that fees not be charged, and the Public Records Coordinator's consideration of the above factors, the Public Records Coordinator shall notify the requester in writing of their decision within ten working days following the request.

If the fee waiver is denied, the requester shall then have seven days to file an appeal of the denial with the Superintendent. The Superintendent shall review the denial and either affirm or reverse the denial of the Public Records Coordinator in writing within ten working days of receipt of the appeal. In the event that the Superintendent is the Public Records Coordinator then the appeal shall be filed within seven days with the Board. At the Board's next regularly scheduled meeting, the Board shall review the denial of fee waiver and either affirm or reverse it. There shall be no further appeal beyond the Board.

The request shall not be fulfilled or prepared, and the time for response will not begin to run, until such time as the final determination as to fees has been addressed and any fees to be charged have been paid.

A requester may not file multiple requests for public records solely to avoid payment of fees. If the District suspects that this is the case, it can aggregate the related requests and charge based upon its copying fee schedule.

Fee Schedule

The copying fee schedule of the District is as follows:

1. The District shall not charge a fee for the first 100 pages of records or the first two hours of labor in responding to a request.

2. Copies of public records - 5¢ per page [**CANNOT EXCEED ACTUAL COST**] for copies beyond the first 100 pages or beyond the first two hours of labor in responding to a request.
3. The District will charge for the labor costs associated with locating and copying documents if:
 - A. The request is for more than 100 pages of records;
 - B. The request includes nonpublic information that must be redacted from the public records; or
 - C. The labor associated with locating and copying the records exceeds two hours.
4. The fees for labor associated with responding to a public records request shall be charged at the per hour pay rate of the lowest-paid administrative staff employee of the District who is necessary and qualified to process the request.
5. The fees associated with redactions required to be made by an attorney employed by the District shall be charged at the lowest-paid hourly rate of the lowest paid attorney employed by the District or, if there are no attorneys employed by the District, the rate shall be no more than the usual and customary rate of the attorney retained by the District.
6. Copy of a duplicate computer disc or similar record system the fee shall not exceed:
 - A. The District's cost of copying the information in that form;
 - B. The District's cost of conversion, or the cost of conversion charged by a third party, if the electronic record must be converted to electronic form.

Fees shall be collected in advance. The District shall provide requesters with an itemized statement of fees to show the per- page costs for copies and the hourly rate of employees and attorneys involved in responding to the request.

Records Containing Both Exempt And Non-Exempt Materials

When exempt and non-exempt materials are combined, the district is responsible for separating the exempt from the non-exempt information and supplying the non-exempt record. The Public Records Law prohibits denying access based on the fact that the record contains both types of materials.

Even if an exemption applies to a record, the law allows disclosure of statistical information that does not identify any particular person.

Public Records Requests

1. The district shall provide access to public records as established in Idaho Code.

2. All record requests must be submitted in writing using the form entitled “Public Records Access/Research Request” (attached) which is available on the District website at www.minidokaschools.org.
3. The law prohibits asking why the information is needed. It is permissible to explain what records are available to help identify the material that is desired. A request for records must be granted or denied within three (3) working days. The custodian should verify the identification of the individual making the request.
4. If it is determined by an employee of the district that a longer period of time is needed to locate or retrieve the public records, the public agency shall so notify in writing the person requesting to examine or copy the records and shall provide the public records to the person no later than ten (10) working days following the person’s request.

Inspection And Correction Of An Individual’s Records

After providing identification, an individual may inspect, copy and request correction of public records pertaining to that person, except those portions of records that are exempt from disclosure. A correction, or a written refusal to make the correction, must be made within ten (10) calendar days.

Subsection three (3) of Section 9-342 prohibits access to certain records pertaining to oneself, if the information relates to exempt investigatory records of ongoing investigations, “is compiled in reasonable anticipation of litigation which is not otherwise discoverable” or “is otherwise exempt for disclosure by statute.”

Denial Of Request

If a request for a record is denied in whole or in part, the Act requires the person who administers the agency or a designated custodian to notify the person in writing.

If a request to correct an individual’s record is denied, written notification is required within ten (10) calendar days of the receipt of the request. The notice of refusal to amend a record must state the reasons for the refusal, and provide the statement of appeal rights and certificate of mailing mentioned above.

If a request is denied, the requested records must be retained until the end of the appeal period, until there has been a decision or an appeal, or as otherwise provided by law, whichever is longer. The time limit for filing an appeal is 180 days from the date the notice of denial is mailed.

COPYING FEE SCHEDULE FOR PUBLIC RECORDS REQUESTS

~~Idaho Code permits this district to charge for the actual cost of copying records. Unless a person requesting the public record can demonstrate an inability to pay or that the public’s interest or understanding of the operation or activities of the school district or its records would suffer by the assessment or collection of any fee, the District will charge a fee of~~

~~\$.10 per copy (Idaho Code §9-338(b). The custodian may require advance payment of the cost of copying.~~

~~The actual cost shall not include any administrative or labor costs resulting from locating and providing a copy of the public record; provided however, that the District may establish a fee to recover the actual labor cost associated with locating and copying documents if:~~

- ~~1) The request is for more than one hundred (100) pages of paper records; or~~
- ~~2) The request includes records from which nonpublic information must be deleted; or~~
- ~~3) The actual labor associated with locating and copying documents for a request that exceeds two (2) person hours.~~

~~The “actual labor costs” shall be determined by the hourly pay rate of the member of the staff who is required to spend the time locating, preparing or duplicating the requested materials.~~

~~The District may also charge a fee, uniform to all persons, for providing a duplicate of a computer tape, computer disc, microfilm or similar or analogous record system containing public record information. The fee will not exceed the sum of the following:~~

- ~~1) The District’s cost of copying the information in that form;~~
- ~~2) The District’s cost of conversion, or the cost of conversion charged by a third party, if the electronic record must be converted to another electronic form.~~

Electronic Request

A request for public records may be conducted by electronic mail. In the event an individual requests that a record be provided in electronic format, the District shall provide the record in electronic format if the record is available in that format.



LEGAL REFERENCE: ~~Title 9, Chapter 3 Public Records~~
Title 74 Chapter 1 Public Records Act
I.C. § 74-204 Written Minutes of Meetings
IDAPA. 08.01.01.100 Procedures for Responding to
Requests for Examination and/or Copying Public Records
Idaho Public Records Law Manual, July 2015

ADOPTED: January 17, 2011

AMENDED/REVISED:

REFER TO: 1001.00F