IDAHO STATE POLICE PROCEDURE

02.06 PUBLIC RECORDS REQUESTS

I. INTRODUCTION

All records maintained by the Idaho State Police (ISP) are public records and subject to the Idaho Public Records Act (PRA), Chapter 1, Title 74, Idaho Code. Pursuant to the PRA, every person has a right to examine and take a copy of a public record unless the record is exempt by law from disclosure.

II. DEFINITIONS

For purposes of this policy, ISP adopts and incorporates by reference the definitions contained in Idaho Code section 74-101.

III. RECEIPT OF A PUBLIC RECORDS REQUEST

A. Requests for the examination or copying of ISP records must be submitted in writing, preferably through ISP's website using the Just FOIA portal. When a written request is received by any other means, the records custodian will enter the request into JustFOIA on the requester's behalf. A request for public records must be as specific as possible in describing the records sought and must include a specific date range for when the records sought were created.

B. A request for public records must include the requester's name, mailing address, e-mail address, telephone number, and must note whether the requestor is an Idaho resident.

C. The records custodian will not seek additional information from the requestor unless there is a good faith need to:
   1. verify the identity of the requestor to determine whether they have authority to receive a specific record;
   2. request clarification on the records sought;
   3. ensure that the requested information will not be used for a mailing or telephone list.

D. The records custodian may provide the requester with information to help the requester narrow the scope of the request or to assist the requester in making the request more specific if the response to the request is likely to be voluminous or require payment.

E. When communication with the requester is warranted, the records custodian will engage with the requester in both a timely and professional manner.

IV. RELEASE OF PUBLIC RECORDS

A. Public records requests received by ISP will be processed as set forth in the PRA.

B. Communication with requestors, and the provision of records, will take place through the Just FOIA portal.

C. The records custodian will make every effort to provide the records in the timeframes required by the PRA.
   1. For Idaho residents, the public records request should be fulfilled within three (3) business days following the date of the request. If the records custodian determines that more than three business days are needed to fulfill the request, the records custodian must notify the requester of such and must communicate that the request will be fulfilled no later than ten (10) business days following the date of the request.
   2. For nonresidents, the public records request must be fulfilled within twenty-one (21) calendar days following the date of the request. If the records custodian determines that a longer period of time is needed to fulfill the request, the records custodian must notify the requester of such and must communicate that the request will be fulfilled no later than thirty-five (35) calendar days following the date of the request.
   3. If a longer period of time is needed for ISP to fulfill the request, the records custodian must clearly communicate such to the requester. The records custodian will coordinate with the requester to determine a mutually agreed-upon fulfillment date.

D. If the records requested will take more than two (2) hours to locate and process for release, the records custodian will provide the requester with a cost estimate for fulfillment of the request. Payment in full will be required prior to release of the records. The records custodian will track the time required to fulfill the request. If the actual time taken to fulfill the request is less than the time charged for in the cost estimate, a refund must be remitted to the requestor.
   1. No fee will be charged for the first two hours of labor for a request submitted by an Idaho resident.

E. Non-residents will not receive the first two hours of labor at no cost and will be charged for the entire estimated time required to complete the request. If no responsive records can be located within the agency, the records custodian will notify the requestor that there are “no responsive records.”

V. EXEMPTIONS FROM DISCLOSURE

A. Records held by ISP may be exempt from disclosure under the PRA.

B. A request for a record held by ISP will not be denied unless a specific exemption to disclosure found within the PRA applies.

C. If a record is withheld due to an applicable exemption from disclosure, the requestor will be notified that the request has been denied. The notification of denial must state the specific exemption permitting denial of the request.

D. If a record is provided to the requestor in redacted form, the requestor will be notified that the request has been partially denied. The notification of partial denial must state the specific exemption permitting the withholding of the redacted information.

VI. REQUESTS FROM THE MEDIA

A. The records custodian must notify the Communications Director immediately upon receipt of a public records request submitted by a member of the news media or other special interest group.

VII. DIVISIONS WITHIN ISP

A. Divisions within ISP that fulfill public records requests independently and do not utilize the Central Records Division should direct any questions to the Records Manager.

VIII. REQUESTS FOR LEGAL REVIEW

A. Legal questions regarding a public record request and requests for legal review of records prior to release must be communicated through the Just FOIA portal.

B. Legal questions and requests for legal review must clearly articulate the question needing an answer and/or clearly identify the documents for which review is requested.

C. All responses to public records requests received from (a) media organizations and (b) other state agencies must be assigned for legal review prior to release or denial.