

Idaho statutes define “Public record” as including, but 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.” Idaho Code 74-101(13).

Idaho law presumes that all public records in Idaho are open at all reasonable times for inspection except as otherwise expressly provided by statute. Idaho Code 74-102(1). Some of the exemptions from disclosure are set forth in Idaho Code 74-106 (personnel records) and 74-108 (patron and contributor information). Public records may not be used for the purpose of creating a mailing or telephone list. Idaho Code 74-102(5)(b).

Idaho law provides the right to examine and receive a copy of public records. This includes taking photographs of the records or asking for a certified copy. Idaho Code 74-102(1-3). Some fees may be charged (see below).

Public records requests must be directed to the custodian of the records — the Library Director or other designated custodian — and must clearly indicate that it is a public records request. Idaho Code 74-103. A [form](#) is available on the Library’s website and may be submitted to [askit@adalib.org](mailto:askit@adalib.org).

The decision to grant or deny a public records request must be made within 3 working days from the date of receipt of the request. Idaho Code 74-103(2). If more time is needed, the library must notify the requester in writing and must complete the request within 10 working days of the request.

If a request for a record is denied, in whole or in part, the Library must notify the requester in writing, and include:

1. A statement that the library has either had its attorney review the request or that the library has had an opportunity to consult with an attorney regarding the request but has chosen not to do so;
2. the statutory authority for the denial, and
3. the right of the requestor to appeal the denial or partial denial and the deadlines for doing so.

## Fees

Generally no fee will be charged for examining or copying public records, unless:

1. The request is greater than 100 pages, at which point the Library will charge .05 cents for each copy in excess of 100 pages. [note, by law the fee charged cannot exceed the actual cost of copying.] The requestor cannot submit separate requests to get the page number below 100;
2. If the time of Library staff required in responding to a request exceeds two (2) hours. Labor costs assessed must comply with Idaho Code 74-102;
3. Complying with the request requires redactions to be made by or in consultation with the Library's attorney. If this occurs, fees will be charged at the usual and customary rate of the Library's attorney; or
4. If the request requires providing an electronic storage device containing the public information, a fee may be charged equal to the Library's direct cost of copying the information in that form or the cost of conversion charged by a vendor if converted from another form.

Fees charged must be clearly itemized, and advance payment may be required. Under certain circumstances, a requestor is exempt from paying any fees. See Idaho Code 74-102(f).

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