



Public Records Requests Policy

This guidance document is not a new law. This is an interpretation of existing law, except as authorized by Idaho Code or incorporated into a contract.

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1. Agency Contact

Agency PRR Coordinator, Policy and Administration

2. Purpose

The Idaho Department of Lands (IDL) processes public records requests (PRRs) in accordance with the Idaho Public Records Act. This policy clarifies those portions of the Idaho Public Records Act subject to department discretion.

3. Applicability

This policy applies to all IDL employees. IDL will make a good faith attempt to comply with the law for every public records request.

4. Associated Policies

Idaho Code [Title 74, Chapter 1](#): Idaho Public Records Act

5. Definitions

Agency PRR Coordinator: IDL employee responsible for coordinating and tracking all PRRs and responses and implementing IDL's Public Records Requests Policy.

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. However, personal notes created by an employee solely for their own use are not a public record as long as such personal notes are not shared with any other person or entity.

Receipt Date: The business day that a PRR is received by IDL. If the PRR is delivered outside of business hours (after 5 p.m. local time Monday through Friday, on Saturday or Sunday, or on an observed holiday), receipt date is the first business day following delivery. The date the PRR is received is counted as "day 0" whether it is received at 8:30 a.m. or 5:00 p.m. The following business day is counted as "day 1."

Ten Days: By close of business on the tenth business day following receipt date.

Three Days: By close of business on the third business day following receipt date.

Twenty-one Days: By close of business on the twenty-first business day following receipt date.

6. Policy

A. PRR Submittal

IDL requires all Public Records Requests (PRRs) to be submitted in writing.

All requests must provide the requester's name, mailing address, email address, and telephone number.

Requests must specifically describe the subject matter and records sought, including a particular date range indicating when the records requested were created. The requesting party (requester) must be as precise as possible when requesting records. A request must describe records sought with sufficient detail to enable IDL to locate the records with reasonable effort.

A requester may submit a PRR in several ways. The simplest and most effective means is filling out a public records request form on [IDL's website](https://www.idl.idaho.gov/) at <https://www.idl.idaho.gov/> (select Transparency, then select Public Records Requests). When submitted, the website forwards the request to the PRR email account. This email account is actively monitored by the Boise Staff Office. A requester may also send a PRR by U.S. mail, fax, hand delivery, or by directly emailing public_records_request@idl.idaho.gov.

The designated agency custodian, per Idaho Code § 74-102(16), is the Deputy Director of Policy and Administration who may delegate authority to the Agency PRR Coordinator.

B. PRR Receipt and Response

1) Receiving Requests

The Agency PRR Coordinator is responsible for logging and tracking all PRRs received by every office, in any form, to ensure adherence to statutory timelines and IDL policy and procedure.

If an IDL employee receives a request for records through his or her email, the employee must forward the request to the Agency PRR Coordinator at public_records_request@idl.idaho.gov for response.

All IDL employees with active email accounts should set an automatic reply for people outside of IDL when the employee will not have access to their email during the business day. Out-of-office messages must include the [public records request link on IDL's website](https://www.idl.idaho.gov/public-records-request/) (www.idl.idaho.gov/public-records-request/).

IDL employees may not inquire about the purpose of a request, but may contact the requester to verify the requester's identity or to ensure that

the records will not be used for a mailing or telephone list as prohibited by Idaho Code § 74-120.

The Agency PRR Coordinator may help the requester narrow the scope of a request or make a request more specific when the response is likely to be voluminous or require payment. At the discretion of the PRR Coordinator, employees with subject matter expertise may help the requester narrow the scope of a request. All requests for clarification and clarified responses must be documented.

2) Responding to a Request

The PRR Coordinator will identify and work with appropriate IDL employees to respond to requests.

Applicable IDL employees are responsible for identifying and gathering responsive records.

IDL employees may also assist with the following:

- Identifying other IDL offices that may have additional records.
- Identifying key words and email addresses for electronic search.
- Assisting PRR Coordinator in narrowing the scope of a request.
- Notifying the PRR Coordinator if the scope of a request is, has, or may become the source of litigation or enforcement action.
- Providing subject matter expertise for legal review.
- Providing an explanatory paragraph to be included with emailed response.

If it appears that it may take more than 10 business days to complete a request from an Idaho resident (more than 21 business days from a non-resident), the employee must immediately contact their supervisor and the PRR Coordinator.

The appropriate Area Manager, Operations Chief, Bureau Chief, or Executive staff member will review any non-routine or sensitive subject matter requests prior to response.

If staff knows that a particular matter within the scope of a request has been the source of litigation or enforcement action in the past or is expected to be in the future, the request must be reviewed by IDL legal counsel. The PRR Coordinator will refer any requests made by an attorney or law firm to IDL legal counsel for review.

The PRR Coordinator will refer any requests made by the press or interest groups to a Public Information Officer for review.

The PRR Coordinator will forward any public records requests received from elected officials to a Public Information Officer for response. Elected officials include, but are not limited to, members of the Land Board, state legislators, county commissioners, and congressional offices.

3) Time Limits – Three, Ten, and Twenty-one Days

A request for records must be granted or denied within 3 days after receipt.

If IDL needs more than 3 days to locate or retrieve the records, the PRR Coordinator will notify the requester in writing that up to 10 business days for Idaho residents or 21 business days for non-residents may be necessary to retrieve the requested records. The request must be granted or denied in whole, or in part, within 10 or 21 business days.

If it is determined that fees are required for labor and/or copies, the time limit to respond is paused on the date the requester is notified of a fee due. The time limit to respond resumes on the day after the requester pays the fee. The requester has 30 calendar days to pay the fee. If no payment is received, the request is considered withdrawn.

4) Responsive Documents

Responsive documents will be provided electronically unless a hard copy is requested. All responsive documents will be converted to pdf if feasible.

In no instance will records be created to fill a request.

5) Records Reviewed On-site

The requester may examine non-exempt files to select the specific records needed. If a requester visits an IDL office to inspect records (view and make notes), an IDL staff member must accompany the requester to ensure that records are not altered or destroyed. The requester may ask for paper or digital copies.

IDL must provide access to records as soon as reasonable upon request. Records must be examined during regular office working hours unless the Bureau Chief or Area Manager authorizes otherwise. If examination of records outside of regular business hours is authorized, advance payment of reasonable compensation for this added expense may be required.

C. Fees for Processing Public Records

Pursuant to Idaho Code § 74-102(10), except for fees that are authorized or prescribed under other provisions of Idaho law, no fee will be charged for the first 2 hours of labor in responding to a request for public records, or for

copying the first 100 pages of paper records that are requested. No per page charge will be assessed for a document already in electronic form, if provided electronically to the requester.

Fees may be established to recover the actual labor and copying costs associated with locating and copying documents if:

- The request is for more than 100 pages of paper records; or
- The request includes records from which nonpublic information must be redacted; or
- The actual labor associated with responding to requests for public records exceeds 2 hours.

Fees must reflect the personnel and quantity of time that are reasonably necessary to process a request. Fees for labor costs must be charged at the per hour pay rate of the lowest paid administrative staff or employee of the agency who is necessary and qualified to process the request. If a request requires redactions to be made by an attorney, the rate charged will be no more than the per hour rate of the lowest paid attorney assigned to the agency who is necessary and qualified to process the public records request.

The IDL fee schedule is in Table 1. Fees will not be charged for the first 2 hours of labor, and fees will not be charged unless the total exceeds \$40.

Table 1: PRR Fee Schedule

Copies, Labor, Other	Fee
Paper copies	\$0.10 per page (No charge for the first 100 pages)
Nonstandard size paper copies or scans	Actual cost – varies depending on size
Labor, research, and evaluation time	Staff per hour pay rate
Labor, electronic file search	ITS staff per hour pay rate
Labor, administrative time	Administrative staff per hour pay rate
Labor, redactions, and attorney-client privileged review	Attorney per hour pay rate
USB	\$5.00
Postage	Actual cost

If there is reason to believe that a requester or group of requesters is attempting to separate a request into a series of requests for the purpose of

avoiding fees, IDL will aggregate such requests to determine the total fee and will charge accordingly.

The PRR Cost Estimate Worksheet must be completed for all PRRs when fees are anticipated. It may be determined that no fee is applicable after completing the PRR estimate if fees total \$40 or less. No lump sum costs will be assigned to any public records request.

Prepayment of fees associated with locating, reviewing, and copying records is required. Should the request for payment be ignored, the PRR will be considered withdrawn 30 calendar days from the date the request for prepayment was mailed or emailed.

Once the fees are paid, fulfillment of the request will resume. Copies made, or scans made of paper documents, and time spent will be tracked. If costs are owed or a refund is due, a final cost worksheet will be provided.

If IDL has collected excess funds, the difference will be refunded to the requester.

If additional funds are owed to IDL, the requester will be invoiced. However, if the difference owed to IDL is \$40 or less, the additional fees will be waived.

Pursuant to Idaho Code, IDL will not charge a fee for copying or labor when the requester demonstrates release of records (i) Is likely to contribute significantly to the public's understanding of the operations or activities of the government; (ii) 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 (iii) Will not occur if fees are charged because the requester has insufficient financial resources to pay such fees. All three provisions must be met for IDL to waive fees. A request for fee waiver must be approved by a Division Administrator.

D. Denial of Request

If a request is denied in whole or in part, IDL must notify the requester in writing. The notice of denial must include:

- A statement indicating that the attorney for the agency has reviewed the request, or that the agency had the opportunity to consult with an attorney and chose not to do so;
- The statutory basis for the denial; and
- A statement of the right to appeal and the time limit for appeal.

The time limit for filing an appeal is 180 days from the mailing date of the denial notice. The sole remedy for protesting the agency's decision is to file a petition in the district court of the county where the records or some part of

them are located, requesting the court to compel the agency to make the information available or to correct the record.

E. Exemptions

All records at IDL are presumed to be public unless an exemption applies. Most exemptions from disclosure are contained in Idaho Code in sections 74-104 through 74-111 and 74-124. Following is a list of exemptions commonly cited by IDL. This list is not intended to be a complete list of exemptions allowed by Idaho Public Records Law:

- 74-104: Exemptions in federal or state law—court files of judicial proceedings
- 74-106: Personnel records, personal information, health records, professional discipline
- 74-107: Trade Secrets, production records, appraisals, bids, proprietary information
- 74-108: Archaeological, endangered species, libraries, licensing exams
- 74-120: Prohibition on distribution or sale of mailing or telephone number lists

Records may contain both exempt and non-exempt information. The PRR Coordinator is responsible for separating the exempt from the non-exempt information, and requesting review from legal counsel if required, before providing only the non-exempt record. If any public record contains both exempt and non-exempt material, the PRR Coordinator must separate the exempt and non-exempt material and make the non-exempt material available for examination.

When any exempt information is removed from a record, the result is a partial denial and notice of the denial must be provided to the requester in writing.

F. Attorney-Client Privilege

Idaho Code § 3-201(5) codifies the attorney-client privilege. As identified within the public records law, Idaho Code § 74-104(1) expressly exempts records recognized as privileged by other state laws such as this one. Attorney-client privileged communications and attorney work product is also recognized in Idaho Code § 74-107(11).

G. Retention of Request

Requests and responses are retained within the Public Records Request pages on IDL's intranet, commonly referred to as SharePoint.

All PRRs and responses must be maintained for two years after the 180-day appeal period expires. In the event of a PRR appeal of denial, the PRR, denial, and any appeal records must be retained until three years after the appeal process is completed.

7. Procedures

A. PRR Cost Estimate Worksheet

8. Exception Authorization

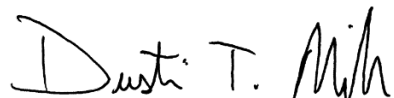
None

9. Revision History

04/21/2011	Department policy approved.
05/16/2012	Version 2.0.
01/15/2014	Version 3.0.
07/22/2015	Version 4.0.
11/08/2021	Version 5.0, reorganized and clarified.
01/01/2024	Version 5.1, renumbered from Policy #2 to #102 and reformatted.
05/20/2025	Version 6.0, revised policy to align with changes to the Idaho Public Records Act. Clarified employee responsibilities and added 21-day time limit.

10. Implementation

This policy revision is effective immediately and will remain in effect for five years unless amended, replaced, or rescinded prior to expiration.



DUSTIN T. MILLER
Director

May 20, 2025

Date