



PUBLIC RECORDS REQUEST
POLICY

APPROVED BY BOARD OF TRUSTEES
FOR USE AFTER JULY 27, 2011

PURPOSE

This policy outlines procedures for public records requests upon ICRMP that have been adopted by the ICRMP Board of Trustees to ensure citizens have access to public documents, while at the same time preserving the efficiency and productivity of ICRMP operations while protecting the privacy rights of individuals.

ICRMP is a public entity formed pursuant to a joint powers agreement among various public entities within the state of Idaho for the purpose of providing for their risk management and insurance needs. As such, disclosure of ICRMP's public records is governed by Idaho Code. If any provision of this policy conflicts with applicable provisions of state law, compliance with legal requirements overrides this policy.

POLICY

I. EXEMPTIONS FROM 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 section does not contain the text of statutory exemptions, and ICRMP will rely on the full text and all exemptions of the law when determining whether to grant or deny a records request.

II. PROCEDURE FOR MAKING AND RESPONDING TO RECORDS REQUESTS

- A. **Request to be in writing.** ICRMP requires that any request to inspect public records be made in writing, signed by the requester and delivered to ICRMP's "Designated Records Custodian":

In person:

ICRMP
Member Services
3100 Vista Avenue, Ste. 300 (Zip 83705)

By US Mail:

ICRMP Member Services
PO Box 15249
Boise, ID 83715
208-336-2100 (fax)

By Electronic Mail:

intake@icrmp.org

- Requests must be written and signed and may be delivered by mail, electronic mail, fax or in person. The requester's name and address or electronic address information must be provided for the purpose of enabling ICRMP to contact the requester with its response or to clarify the request. The requester must use the form provided by ICRMP at the end of this policy. The "Request for Public Records" form will also be available through ICRMP's website, www.icrmp.org.
- Each person submitting a request to inspect or take a copy of a public record must agree by signing the request form that the response, if in the form of a list, will not be used as a telephone or mailing list. Upon receipt of a written request, the Designated Custodian will record the date and time of the request, and prepare a response as promptly as circumstances allow, seeking legal advice when necessary.

B. Time, Place and Manner of Inspection (I.C. § 9-338). It is ICRMP's policy to provide access to and copies of records promptly, whenever possible. Examination of records must be done during normal business hours, unless otherwise authorized by the Executive Director. Response to records requests is subordinate to accomplishment of everyday work for the benefit of Program members.

C. Responding to the Request - Timing (I.C. § 9-339). A request to inspect or copy records must be granted or denied within three (3) working days. However, if more time is needed to locate or retrieve the requested records, ICRMP may take up to ten (10) days to respond, provided ICRMP first notifies the requester, in writing, that additional time is required. If no response is provided, the request will be deemed to have been denied after ten (10) working days from the request.

D. Exempt and Non-exempt Records (I.C. § 9-341). If a requested public record contains information that is nonexempt as well as information that is exempt from disclosure, ICRMP 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 records assembly and removal of exempt information involves more than two (2) hours of personnel time, ICRMP 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. Whenever prepayment exceeds actual costs a refund will be issued within no more than 30 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.

E. Denial of a Request to Inspect Records (I.C. § 9-339). A request to inspect or copy a public record may be denied in whole or in part only after having the request reviewed by legal counsel. A denial or partial denial of a request must be

provided to the requester in writing stating the statutory authority for the denial and clearly stating that the requester has the right to petition the district court for an order to compel disclosure. The time limit for doing so is one hundred eighty (180) days from the date of denial.

III. FEES AND CHARGES FOR PROVIDING PUBLIC RECORDS

- A. **Charging for Copies.** Copies of one hundred (100) or fewer pages that are readily available for copying will be provided free of charge one time during a calendar year. If the request is for a greater number of records, copying fees will be charged for **ALL** copies provided, beyond the initial 100. **Advance payment is required.**

The current fee for standard photocopies is five cents (\$ 0.05) per page – additional cost for color copies. ICRMP will not provide multiple copies of the same document. With respect to provision of public records, ICRMP will not compile information to create a document that does not already exist.

- B. **Charging For Labor.** The fee charged for locating or copying a public record generally cannot include general administrative costs. However, ICRMP **will** charge for labor costs where: (1) the request is for more than one hundred (100) pages of paper records; or (2) the request includes records from which exempt information must be deleted; or (3) the actual labor associated with locating and copying or deleting information from documents exceeds two (2) person hours. **Advance payment is required.** In order to sustain a productive workplace, ICRMP may retain temporary personnel to oversee records examination or perform copying pursuant to this section. Such costs must be pre-paid by the requesting party. The Executive Director is authorized to waive or adjust charges or requirements established by this policy consistent with interests of the public and the ICRMP Program or as required by statute.
- C. **Other Charges and Fees.** Because of volume requirements or other specialty printing conditions ICRMP may choose to obtain copies made to satisfy a public records request from a commercial copying service. In such cases, the person making the request shall be responsible for the actual cost charged by the commercial copying service with no additional mark-up.

The fees to be charged for providing public records in the form of computer tape, computer disk, compact disk (CD), microfilm or similar or analogous record shall be ICRMP's direct cost of copying the information in that form, which costs shall include the cost of blank media and labor costs if the time for making copies and/or making redactions exceeds two (2) hours.

If there is reason to believe that a requestor or group of requestors is attempting to break a request down into a series of requests for the purpose of avoiding the

assessment of fees, ICRMP will aggregate similar or related requests to determine the total fee and will charge accordingly.

When copies or printouts are duplexed, each side of the copy on which print appears shall be treated as a single copy for the purpose of fee assessment. In this way, fees for duplexed copies shall be assessed according to the same schedule as fees for single-sided copies.

- D. Shipping and Mailing Records.** If requested, ICRMP will mail the copied records. If the cost of mailing exceeds the current first class postal charge for one ounce, ICRMP will require advance payment for the costs of postage and necessary mailing supplies.



Idaho Counties Risk Management Program, Underwriters

P. O. Box 15249, Boise, Idaho 83715

REQUEST TO EXAMINE/COPY PUBLIC RECORDS

TO: ICRMP Records Custodian

DATE: _____

I hereby request, pursuant to Idaho Code § 9-338, to examine and/or copy the following public records:

- These records specifically pertain to myself.
- I wish to merely examine these records.
- I wish copies of these records.

Print Name: _____

Mailing Address: _____

Telephone No. (_____) _____

Signature: _____
I acknowledge by my signature that the records sought by this request will not be used for a mailing list or telephone list as set forth in Idaho Code § 9-348.