

# CHAPTER 14

## PUBLIC RECORDS

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**1-14-1: OPEN RECORDS POLICY:** All records of the City shall be open to inspection and every person shall have a right to examine and make a copy thereof, subject to the provisions of this chapter. Nothing herein shall impose a duty upon the custodian of any public record to research, sort, manipulate, index or process information contained in any public record.

**1-14-2: HOURS:** All records open to the public shall be available for inspection or copying upon the request of any member of the public during regular office hours of the City Clerk or custodian of the records, as may be established by executive order of the Mayor or by Ordinance of the City Council. Public records may not be removed from the custodian's office without the permission of such custodian. (Ord. 132, 1/15/08)

**1-14-3: EXCEPTIONS:** Except as otherwise determined by specific resolution of the Council, the public shall have no right to inspect or copy the following records:

- (A) All records exempt from inspection and copying by law.**
- (B) Records prepared, considered or received in relation to or in anticipation of any matter which is properly the subject of an executive session under Idaho Code Section 67-2345.**
- (C) All public records to the extent it is necessary to preserve any privilege**

established by law or pursuant to the Idaho Rules of Evidence, or to the extent necessary to preserve and maintain records relating to a privilege of any officer, employee, agent of the City or any other person who delivers records or documents to the City having an expectation of the confidentiality thereof under such privileges.

**1-14-4: COPYING COSTS:** Every division or department of the City may establish a reasonable fee for providing copies under the provisions of this chapter, provided such fees shall not exceed the actual expense of making the copy. The custodian of the public records may require payment of the estimated costs of copying in advance.

**1-14-5: IDENTIFICATION AND RETRIEVAL OF RECORDS:** All requests for inspection or copying shall be made directly to the custodian of the desired records and shall be sufficiently specific to allow ready identification of the records desired. In the event a request for inspection or copying fails to state the specific identity or location of public records, then the custodian shall have no obligation to locate, retrieve or copy such records, beyond indicating the general location of records of the type indicated and then allowing such person to examine the records so indicated.

**1-14-6: CUSTODIAN DEFINED.** For the purpose of this chapter, the term "custodian" shall mean the person having actual physical custody of the records for which inspection or copying is sought.

**1-14-7: REQUESTS FOR EXAMINATION:** The custodian shall make no inquiry of the person requesting inspection or copying of any public record, except to determine the nature or identity of the records sought and the mailing address and telephone number of the person making the request. The custodian of the public records, or his or her agent, may require the request for inspection or copying be made in writing, and in such event, the time frames set forth in Section 1-14-8 below shall not commence until the written request is delivered to the person having physical custody of such records, notwithstanding any prior verbal request.

**1-14-8: RESPONSE TO REQUESTS FOR EXAMINATION:** The custodian of any public record shall grant or deny a request for examination or copying within three (3) working days after the request is received, provided if the custodian determines a longer period of time is needed to locate or retrieve the records, the custodian shall notify the person requesting the records and shall provide the public records no later than ten (10) working days following receipt of the request. No request shall be denied, unless the denial is in writing, following approval by the City Attorney, in accordance with Idaho Code Section 9-339. For the purposes of this section, a request for copying shall not be deemed made until the request has been personally communicated to, or a written request is delivered to, the custodian of the records sought. Communications or written requests made to any other officer, agent or

employee of the City shall not be deemed effective until such communication or written request is actually delivered to such custodian.

**1-14-9: MAILING OF RECORDS:** In the event a request is made for copies of public records to be delivered by mail or other carrier, the custodian may require advance payment of the mailing or shipping costs for such public records.

**1-14-10: ELECTRONIC DUPLICATION:** No person shall, without the consent of the custodian, use any electronic machine, computer, tape recorder, copier or device, other than equipment provided by the City, for the purpose of copying any public record. The custodian may consent to such copying only upon a determination that such copying presents no risk of having such record altered, damaged or destroyed.

**1-14-11: OBJECTION TO RECORDS PRODUCTION:** In the event the custodian of any public record of the City produces records upon the request of any person, such response shall be deemed satisfactory, unless such person files a written objection with the producing custodian within three (3) working days after such records are produced. Such objection shall state the specific reason why the response is inadequate and shall be considered a new request for the purposes of this chapter and Idaho Code Sections 9-337 through 9-347.

**1-14-12: RETENTION OF TEMPORARY RECORDS:** Temporary records which are not routinely subject to audit, or duplicate copies of any public records, may be destroyed by the custodian thereof, without further resolution of the City Council and without passage of a resolution listing, in detail, the records to be destroyed. Any temporary record which is not subject to routine audit and which in the discretion of the custodian thereof has no continuing legal or historical significance and for which no significant public purpose would be served by retaining the same may be destroyed in the ordinary course of business without resolution of the Council or supervision of the City Clerk. All other permanent, semi-permanent and temporary records shall be kept and retained for the periods required under Idaho Code Section 59-907.

**1-14-13: DESTRUCTION OR ALTERATION OF RECORDS:** Any person who alters, destroys, falsifies or who without authority removes or attempts to remove any public records from the office of the custodian or who deliberately disarranges or destroys the classification, retention or retrieval system therefor, is guilty of a misdemeanor. Such person may also be denied any further right of access to such records.

