

PURPOSE

The purpose of this Public Records Policy (this “Policy”) is to recognize the right of every person to inspect public records of the Meridian Library District (the “District”) pursuant to Idaho public records law, Idaho Code sections 74-101 through 74-127 (the “Public Records Law”), and to facilitate the process for requesting public records in the most efficient manner possible.

DEFINITIONS

The following terms shall be as defined in Idaho Code section 74-101. Certain key terms are reprinted herein for convenience.

- A. “copy”** means transcribing by handwriting, photocopying, duplicating machine or reproducing by any other means so long as the public record is not altered or damaged.
- B. “custodian”** means the person having personal custody and control of the public records in question. The District hereby designates the District Library Director (the “Library Director”) as custodian for purposes of receiving public records requests. The alternative for contingencies shall be an Assistant Director.
- C. “inspect”** means the right to listen, view and make notes of public records as long as the public record is not altered or damaged.
- D. “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, independent public body corporate and politic or local agency regardless of physical form and characteristics. Provided, however, that personal notes created by a public official solely for his own use shall not be a public record as long as such personal notes are not shared with any other person or entity.
- E. “resident”** means a person whose domicile has been within Idaho continuously for a period of at least thirty (30) days, excluding a full-time student who is a resident of another state, and shall also include a domestic entity as provided in section 30-21-102, Idaho Code. Establishment of residency shall include a spouse and

dependent children who reside with that person in the domicile. A domicile shall not be a person's workplace, vacation residence, or part-time residence.

- F. **"writing"** includes, but is not limited to, handwriting, typewriting, printing, photostating, photographing and every means of recording, including letters, words, pictures, sounds or symbols or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums or other documents.

PUBLIC RECORDS REQUESTS

- A. **Records Requests.** Pursuant to Idaho Code sections 74-102 and 74-103, a public records request must clearly indicate that it is a public records request and must be made to the Library Director as the designated custodian of the District's records. Requests must be submitted to the custodian in writing and specifically describe the subject matter and records sought, including a specific date range for when the records sought were created. The requesting party shall be as specific as possible when requesting records. A request shall describe records sought in sufficient detail to enable the District to locate such records with reasonable effort. A request shall also provide the requester's name, mailing address, email address, telephone number, and a written declaration by the requesting party attesting or affirming under oath whether such requester is a resident. A request for public records and delivery of the public records may be made by electronic mail. The District will not author or prepare any new documents in response to a records request.

Public records requests should be made by completing and signing the District's Public Record Request form. The District's Public Record Request form is available on the District's website using the online submission form or may be submitted to the custodian or submitted by email as a PDF to director@mld.org.

- B. **Response to Requests.** The District will respond to all public records requests as soon as practicable and without unreasonable delay. The District or the custodian shall either grant or deny a resident's request to examine or copy public records within three (3) working days of the date of the receipt of the request for examination or copying. The District or the custodian shall either grant or deny a request from a person who is not a resident and not employed by a resident to examine or copy public records within twenty-one (21) days of the dates of the receipt of the request for examination or copying. If it is determined by employees of the District that a longer period of time is needed to locate or retrieve the public

records, the public agency shall so notify in writing the person requesting to examine or copy the records and shall provide the public records no later than ten (10) working days following the person's request, if such person is a resident, and no later than thirty-five (35) days following a request from a nonresident. Additionally, if it is determined that the existing electronic record requested will first have to be converted to another electronic format by the District or by a third party and that such conversion cannot be completed within the time allotted for the response, the District shall so notify in writing the person requesting to examine or copy the records. The District shall provide the converted public record at a time mutually agreed upon between the District and the requester, with due consideration given to any limitations that may exist due to the process of conversion or due to the use of a third party to make the conversion. Idaho law does not require the District to provide copies of records in a format not used by the District in the normal course of business.

When a person requests to examine records that may be exempt from disclosure under Idaho Code sections 74-104 through 74-111, the requestor will be notified in writing within the time allotted for the response after the District's receipt of the request whether or to what extent the request will be granted or denied. Among other things, certain personnel records and identifying information about patrons, staff, and contributors may be subject to exemption from disclosure. For further information, guidance, and applicable law and procedure, reference should be made to the provisions of the Public Records Law. A request may not be fulfilled if there is no existing record. Any notice of denial or partial denial shall state: (i) that the attorney for the District has reviewed the request or shall state that the District has had an opportunity to consult with an attorney regarding the request for examination or copying of a record and has chosen not to do so; (ii) the statutory authority for any denial of the request; and (iii) the person's right to appeal the denial or partial denial and the time periods for doing so. If no response is provided within the time allotted for the response, the request will be deemed to be denied.

c. Cost Estimate. If fees and/or charges are appropriate pursuant to Section V herein, the District will provide a cost estimate in its response.

INSPECTION OF PUBLIC RECORDS/COPIES OF PUBLIC RECORDS

A. Inspection. A person making a public records request may personally inspect the requested documents at the District's office during normal business hours. A staff

member, or staff appointed designee, shall be present while any original documents are inspected to ensure protection of the documents. Any request which requires staff time shall occur at a time mutually convenient to the requestor and the affected staff person. The right to inspect does not include the right to disassemble or alter the order of materials in files or document binders. Original documents may not be taken out of the custody of the District except through special arrangement with District staff.

B. Copies. Upon request, the District will provide copies of the requested documents, in either paper or electronic format. Such copies may be subject to certain fees and charges as provided in Section V herein. The District retains the right to provide documents in a secure format to prevent alteration or misuse of the public record.

COSTS AND FEES

A. Payment of Costs. When presented with a public records request deemed voluminous or time-intensive in nature, the District shall prepare an estimated cost bill reflecting the full, actual cost of District staff time and materials required to complete the request, including time for retrieval, copying, preparation, assisting the requestor, separating exempt from non-exempt materials, organization of the results, and, if requested, delivery of the documents. As further provided in this Section V, the District may impose fees for records requests to the extent of costs actually incurred in the processing and preparation of the response. Statements of fees by the District shall be itemized to show the per page costs for copies, and hourly rates of employees and attorneys involved in responding to the request, and the actual time spent on the public records request. No lump sum costs shall be assigned to any public records request. Idaho sales tax, where applicable, shall be assessed on copy fees and the District's out-of-pocket costs.

B. Fees. Except for fees that are authorized or prescribed by Idaho law, no fee shall be charged for the first two (2) hours of labor in responding to a public records request, or for copying the first one hundred (100) pages of paper records that are requested. Pursuant to Idaho Code section 74-102, the District has established the fees set forth in the Schedule below to recover its actual labor and copying costs associated with locating and copying documents if the public records request (i) is for more than one hundred (100) pages of paper records, or (ii) includes non-public information that must be deleted, or (iii) if the actual labor associated with

responding to the request exceeds two (2) person hours.

Idaho Code Reference	Type of Work Involved	Charges
74-102 (10)(b),(c),(e)	Photocopying more than 100 pages on standard 8 ½ x 11 paper	Actual labor and copying costs.
74-102 (10)(c),(e)	Photocopying on paper other than standard 8 ½ x 11 paper (e.g. blueprints, maps, etc.)	Actual labor and copying costs.
74-102 (10)(c) 74-102 (10)(b),(c),(e) 74-102 (10)(b),(c),(e)	<p>Retrieval of archived information</p> <p>Request includes records from which non-public information must be redacted</p> <p>Where actual labor associated with locating and photocopying/printing hard copy and/or electronic documents equals or exceeds two (2) person hours</p>	<p>Actual out of pocket and labor costs to be determined at time request is submitted, if applicable.</p> <p>Usual and customary hourly rate of the attorney retained by the District for such purpose.</p> <p>Actual labor costs charged at the per hour pay rate of the lowest paid administrative staff employee or public official of the District who is necessary and qualified to process the request.</p>
74-102 (10)(c)	Where the District incurs out of pocket costs required for providing the requested records	Actual out of pocket and labor costs.

74-102 (10)(d),(i)	Transfer of documentation in the form of computer tapes, discs, microfilm, or similar record media or electronic storage device	Actual labor and copying costs.
74-102 (10)(c)	Where copies of records are mailed or shipped	Actual mailing and shipping costs.

C. Deposit; Advance Payment of Costs and Fees. If the estimated cost bill is over twenty-five dollars (\$25.00), the District shall require an advance deposit in the full amount of the estimate before expending District resources toward responding to the document request. If the actual cost of completing the request exceeds the deposit, the District will not release the search results until the District's actual costs, calculated in accordance with this Section V, are received in full. If the actual cost of responding to the request is less than estimated, then the balance of the deposit will be refunded promptly. If the estimated cost bill is twenty-five dollars (\$25.00) or less, the District shall proceed to fulfill the request and shall present a cost bill for the District's actual expenses, calculated in accordance with this Policy and payable in full upon receipt of the request results.

D. Multiple Requests. Pursuant to Idaho Code section 74-102(11), a requester may not file multiple requests for public records solely to avoid payment of fees. If the District reasonably believes that one (1) or more requesters is segregating a request into a series of requests to avoid payment of fees authorized under the Public Records Law, the District may aggregate such requests and charge the appropriate fees. The District may consider the time period in which the requests have been made in its determination to aggregate the related requests. A District shall not aggregate multiple requests on unrelated subjects from one (1) requester.

E. Waiver of Fees/Costs. Copies of public records shall be furnished without cost, or at reduced cost, if District staff determines that a waiver or fee reduction is required pursuant to Idaho Code section 74-102(10)(f). In order to receive a fee waiver or reduction, the requestor must demonstrate, in writing, either (i) inability to pay, (ii) the request for examination and/or copying of public records 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, or (iii) that the public's interest or the public's understanding of the operations or activities of the District or its records would suffer by the assessment or collection of any fee. Any requestor who is "disabled" within the meaning of the Americans with Disabilities Act may also apply for a waiver or reduction of fees for any of the costs of complying with the request that were due to requestor's disability.