

OUTFITTERS & GUIDES LICENSING BOARD	POLICY NUMBER: 1012	PAGE NUMBER: 1 of 8
	SUBJECT: Idaho Public Records Act – Record Retention Schedule	Drafted: Adopted: 12/13/1990 Revised: 1/17/08 Reformatted: 10/26/15

1.00.00 POLICY OF THE AGENCY

It is the policy of the Outfitters and Guides Licensing Board that the Agency complies with applicable state statutes regarding the Idaho Public Records Law. Written requests to inspect, examine or copy public records are themselves public records. The Board's written responses to requests to inspect, examine or copy public records are themselves public records. This policy is adopted under the legal authority of Sections 9-337 through 9-349, Idaho Code (commonly known as the Public Records Act). This policy addressing the Public Records Act neither expands nor contracts the rights of persons or parties under other statutes, rules or practices of the Board.

2.00.00 TABLE OF CONTENTS

- 1.00.00 POLICY OF THE AGENCY
- 2.00.00 TABLE OF CONTENTS
- 3.00.00 REFERENCES
- 4.00.00 DEFINITIONS
- 5.00.00 PROCEDURE
- 5.01.00 DESIGNATED CUSTODIANS
- 5.02.00 PROCEDURE FOR REQUESTING PUBLIC RECORDS
- 5.03.00 COSTS FOR PROVIDING PUBLIC RECORDS
- 5.04.00 INSPECTION AND CORRECTION OF AN INDIVIDUAL'S RECORDS
- 5.05.00 DENIAL OF REQUEST
- 5.06.00 PENALTY OF IMMUNITY

3.00.00 REFERENCES

4.00.00 DEFINITIONS

Key terms are defined in the Act. Some of the law's most important concepts are:

PUBLIC RECORDS:

These include, but are not limited to, any writing containing information relating to the conduct or administration of the public's business, which is prepared, owned, used, or retained by a public agent. "Writing" means information maintained in many forms, including pictures, maps, tapes, magnetic or punched cards, and computer disks.

INSPECT:

OUTFITTERS & GUIDES LICENSING BOARD POLICY MANUAL	POLICY NUMBER: 1012	PAGE NUMBER: 2 of 8
	SUBJECT: Idaho Public Records Act – Record Retention Schedule	Drafted: Adopted: 12/13/1990 Revised: 1/17/08 Reformatted: 10/26/15

This means the right to listen, view, and make notes of public records, as long as the public record is not altered or damaged

COPY:

This means transcribing by handwriting, photocopying, duplicating machine, and reproducing by any other means, so long as the public record is not altered or damaged.

CUSTODIAN:

This means any public official or employee having physical custody and control of the public records, including those who respond to requests for information on a routine basis. "Custodian" also includes the person, whether elected or appointed, who is legally responsible for administering the public agency, or the person's designee. "Designated custodians" are those employees authorized to perform specific responsibilities that are described in this policy, including denying requests for information when appropriate to do so.

5.00.00 PROCEDURE

5.01.00 DESIGNATED CUSTODIANS

The Board Executive Director is the designated custodian for this agency. In the event the Executive Director is unavailable, then the office Secretary will act in this capacity until the Executive Director returns.

5.01.01 Exemptions

5.01.01.1 The records exempt from disclosure by this Act are listed in the Idaho Code. All employees should be aware of the following exemptions that apply to this agency:

5.01.01.2 Personnel records for the Board's employees are in the custody and possession of the Executive Director of the Board or individual employee. Personnel records are exempt from disclosure under Section 9-340C, Idaho Code, except as made public by that section. The employment history, classification, pay grade and step, longevity, gross salary and salary history, status, workplace and employing agency of any current or former employee are required to be disclosed to any person who requests the information.

OUTFITTERS & GUIDES LICENSING BOARD	POLICY NUMBER: 1012	PAGE NUMBER: 3 of 8
	SUBJECT: Idaho Public Records Act – Record Retention Schedule	Drafted: Adopted: 12/13/1990 Revised: 1/17/08 Reformatted: 10/26/15
POLICY MANUAL		

5.01.01.3 All other information relating to an employee or applicant, such as home address and phone number, shall not be disclosed to the public without the written consent of the employee, applicant or designated representative. Employees may inspect and copy their own records, except for material used to screen and test for employment.

5.01.01.4 In addition, records exempt pursuant to Title 9, Chapter 3 will be considered exempt under this policy.

5.01.01.5 Materials protected from copying by federal copyright law are always exempt from copying.

5.01.01.6 Minutes of the Board's decision meetings and agendas of its decision meetings are in the custody and possession of the Board Secretary in the Secretary's office. These records may be inspected, examined or copied under Section 9-338, Idaho Code, except, when the Board has declared an executive session pursuant to Section 67-2345, Idaho Code, minutes from the portion of the decision meeting that involve the executive session are exempt from disclosure to the extent provided by Sections 67-2344 and 67-2345, Idaho Code.

5.01.02 Records may contain both exempt and non-exempt material. The public agency is responsible for separating the exempt from the non-exempt information and supplying the non-exempt record. The Act prohibits denying access based upon the fact that the record contains both types of materials.

5.01.02.1 Even if an exemption applies to a record, the law allows disclosure of statistical information that does not identify any particular person.

5.02.00 PROCEDURE FOR REQUESTING PUBLIC RECORDS

5.02.01 It is this agency's policy to continue providing access to and copies of records immediately upon request whenever possible. Public records subject to inspection, examination and copying may be reviewed in the Board's office from 8 a.m. to 5 p.m., Monday through Friday, except state holidays or nonjudicial days. The examination may be reasonably restricted to allow the custodian of documents to retain control of the documents inspected or examined to prevent their removal, alteration, or destruction. The Board may provide for inspection, examination or copying of public records outside normal business hours or outside the Board's offices under appropriate

OUTFITTERS & GUIDES LICENSING BOARD	POLICY NUMBER: 1012	PAGE NUMBER: 4 of 8
	SUBJECT: Idaho Public Records Act – Record Retention Schedule	Drafted: Adopted: 12/13/1990 Revised: 1/17/08 Reformatted: 10/26/15
POLICY MANUAL		

circumstances. See Sections 9-338(6) and (7), Idaho Code. A certified copy, if feasible to produce or required by law, must be provided upon request.

The law prohibits asking why the information is needed. It is permissible to explain what records are available and to help identify the material that is desired. It is also permissible to allow the person to examine non-exempt files in order to select the specific records needed. Staff must maintain vigilance to see that records are not altered or destroyed, but the law prohibits examination of any copy, photograph or notes in the person's possession.

- 5.02.02 A written request will not be required if the information is routinely provided by this agency and is readily available. Requests to copy voluminous documents (one or more requests from the same person in one (1) day to copy documents exceeding a total of one hundred (100) pages) must be in writing.
- 5.02.03 A request for records must be granted or denied within three (3) working days. If the Board cannot grant or deny a person's request to inspect, examine or copy public records within three (3) working days from the receipt of the request because a longer time is needed to locate or retrieve the public records or because it cannot be determined within three (3) working days whether some or all of the request involves materials exempt from disclosure under Sections 9-340A through 9-340H, Idaho Code; the requester will be notified (that up to ten (10) working days are needed to evaluate the request) in writing within three (3) working days of the request.
- 5.02.04 The person in this agency who is authorized to determine that a request cannot be granted within three (3) working days is the Executive Director. The request must be granted or denied in whole or part within ten (10) working days, or the request will be deemed to have been denied.
- 5.03.00 COSTS FOR PROVIDING PUBLIC RECORDS
 - 5.03.01 The charge for copies of papers easily reproducible by photocopy machines in the Board's offices is ten cents (\$.10) per page. Fees for copying requests totaling one dollar (\$1) or less may be waived. If materials can only be reproduced by special photocopy equipment not available in the Board's offices, the requester may make arrangements for commercial photocopying of large or irregular documents at the requester's expense, including

OUTFITTERS & GUIDES LICENSING BOARD POLICY MANUAL	POLICY NUMBER: 1012	PAGE NUMBER: 5 of 8
	SUBJECT: Idaho Public Records Act – Record Retention Schedule	Drafted: Adopted: 12/13/1990 Revised: 1/17/08 Reformatted: 10/26/15

reasonable expense of Board personnel to accompany documents taken from the Board's office for photocopying.

- 5.03.02 The Act does not require the agency to provide multiple copies of the same document.
- 5.03.03 The fee charged for locating or copying a public record cannot include any administrative or labor costs.
 - 5.03.03.1 Advance payment of photocopying charges is required.
 - 5.03.03.2 The cost of providing computer disks containing copies of information on the Board's computers will be two dollars (\$2) per disk, except when the Board incurs overtime labor costs or employs or contracts for temporary labor to answer a request for information contained on the Board's computers, the Board may include those overtime or temporary labor costs in its charges. The fee charged for providing information in the form of computer tapes, microfilm, or similar record media may not exceed the amount of the direct cost of copying except when the Board incurs overtime labor costs or employs or contracts for temporary labor to answer a request for information contained. If the information is also available in publication form, the agency may offer the published material to the individual at the standard cost of selling the publication.
- 5.03.04 When necessary, the Executive Director may authorize examination of records to be done outside of regular working hours. If this is done, advance payment of reasonable compensation for this added expense may be required.
- 5.03.05 Neither statute nor Board rules obligate the Board to provide postage and envelopes for mailing or facsimile transmission (FAX) for documents to be copied. Persons requesting that documents be copied and sent to them are responsible for providing envelopes and postage, arrangements for overnight delivery, etc. As time permits, the Board Staff may respond to small requests for copying of documents by mailing them or transmitting them by FAX, but in those cases the requester will be charged for postage or telecommunications charges associated with the mailing or FAX transmission if the charges exceed \$2.00. If there is a request to mail copies of documents to someone and the mailing cost is in excess of \$2.00, ask for a written request, advance payment, and a stamped self-addressed envelope large enough for the number of copies.

OUTFITTERS & GUIDES LICENSING BOARD POLICY MANUAL	POLICY NUMBER: 1012	PAGE NUMBER: 6 of 8
	SUBJECT: Idaho Public Records Act – Record Retention Schedule	Drafted: Adopted: 12/13/1990 Revised: 1/17/08 Reformatted: 10/26/15

5.03.06 The designated custodian or person who administers the agency may choose to allow staff, as time permits, to transmit a small number of records by fax, with the understanding that the person requesting the records will pay the telecommunications charges if they exceed \$2.00.

5.03.07 The Board's historical distribution of documents to parties to formal proceedings, to other governmental agencies, and to the media are neither expanded nor contracted by these rules. For example, copies of orders, press releases, Staff filings, etc., that have historically been distributed without fee or that are required to be distributed by rule or statute will continue to be distributed without fee.

5.04.00 INSPECTION AND CORRECTION OF AN INDIVIDUAL'S RECORDS

5.04.01 After providing identification, an individual may inspect, copy and request correction of public records pertaining to that person, except those portions of records that are exempt from disclosure. A correction, or written refusal to make the correction, must be made within ten (10) calendar days. Refer these requests to the person who administers the agency or a designated custodian immediately.

5.04.02 This Title & Chapter prohibits access to certain records pertaining to oneself, if the information:

5.04.02.1 Relates to exempt investigatory records of ongoing investigations; or

5.04.02.2 "is compiled in reasonable anticipation of litigation which is not otherwise discoverable"; or

5.04.02.3 relates to adoption records; or

5.04.02.4 "is otherwise exempt from disclosure by statute."

5.05.00 DENIAL OF REQUEST

5.05.01 If there is any doubt about whether information should be disclosed, ask for a written request and immediately direct it to a designated custodian. It is this agency's policy that such a request shall be reviewed by the agency's attorney.

OUTFITTERS & GUIDES LICENSING BOARD	POLICY NUMBER: 1012	PAGE NUMBER: 7 of 8
	SUBJECT: Idaho Public Records Act – Record Retention Schedule	Drafted: Adopted: 12/13/1990 Revised: 1/17/08 Reformatted: 10/26/15
POLICY MANUAL		

5.05.02 If a request for a record is denied in whole or in part, the Act requires the person who administers the agency or a designated custodian to notify the person in writing. This notice shall state that:

5.05.02.1 the attorney for the agency has reviewed the request, or that the agency had the opportunity to consult with an attorney and has chosen not to do so; and

5.05.02.2 the statutory basis for denial; and

5.05.02.3 a simple statement of the right to appeal and the time limit for appeal; and

5.05.02.4 a certificate of mailing (See attached form.)

If a request to correct an individual's record is denied, written notification is required within ten (10) calendar days of the receipt of the request. The notice of refusal to amend a record must state the reasons for the refusal, and provide the statement of appeal rights and certificate of mailing mentioned above.

5.05.02.5 The time limit for filing an appeal is 180 days from the date the notice of denial is mailed. There is no provision for administrative appeals within the Board from a decision that a record cannot be inspected, examined or copied. Judicial review is available under Sections 9-343 et seq., Idaho Code. The sole remedy for protesting the public 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 compel the agency to make the information available or to correct the record.

5.05.02.6 If a request is denied, the requested records must be retained until the end of the appeal period, until there has been a decision on an appeal, or as otherwise provided by law, whichever is longer. Whenever a request is denied, there must be some indication made on the record that it shall not be purged without the approval of the person who administers the agency or a designated custodian.

5.06.00 PENALTY AND IMMUNITY

The law provides a penalty of up to \$1,000 for a deliberate bad faith denial of information that should be disclosed. It also provides immunity from liability for the release of records as long as there is a good faith attempt to comply with the law's requirements.

OUTFITTERS & GUIDES LICENSING BOARD POLICY MANUAL	POLICY NUMBER: 1012	PAGE NUMBER: 8 of 8
	SUBJECT: Idaho Public Records Act – Record Retention Schedule	Drafted: Adopted: 12/13/1990 Revised: 1/17/08 Reformatted: 10/26/15

Therefore, it is important to refer immediately any questions or any request that seem doubtful to the person who administers the agency or a designated custodian.

Record Retention Schedule		
	Type of File	Length of Retention
Administrative Files		
	Board formation and Organizational Records	Permanent
	Rule-making Record (proposed rule, public comment)	4 years
	Rule-making Files (no documentary value)	1 year
	Proposed legislation Records	Permanent
	A.G. Opinions	Permanent
	Outfitter and Guide application files	Permanent
	Incomplete license application files	3 years
	Board and Board committee minutes and agendas	Permanent
	Board Policies	Permanent
	Correspondence (routine)	Permanent
	Cancelled and denied files	3 years
	Publications (pamphlets, leaflets, etc.)	Permanent
	Licensing exam results	Permanent
	Licensing records	3 years
	License rosters	Permanent
Budget and Financial Records		
	Annual Budget Reports	Permanent
	Budget Background Records	3 years
	Auditor's Reports	Permanent
	Accounting Files (payable, receivable, receipts, deposits)	3 years
	Property Records	3 years
Human Resource and Board Member Records		
	Personnel Files	Permanent
	Payroll Records	3 years
	Board Member Records	3 years
Public Affairs and Hearing Records		
	Complaint Files (individual)	5 years
	Complaint Files (establishment)	10 years
	Administrative Hearing Transcripts	Permanent
	Administrative Actions (consent orders, etc.)	Permanent
	Press Releases	Permanent
	Appeal and Review Records	Permanent