

Public Records

Board Policy III

Adopted 11-14-12

It is the policy of the Idaho Falls Auditorium District (IFAD) to conduct the Public's business in public. Relevant IFAD records will be made available to the public with an eye toward being as inclusive and transparent as possible and in full compliance with Idaho Public Records Law (Idaho Code §9-337 through §9-349).

A. Records Custodian. The official custodian of IFAD records will be designated by the IFAD Board and may change subject to administrative need. The custodian will retain or have access to all relevant records of the IFAD.

B. Definition of Records. All written documents (whether handwritten, typed, photocopied or electronic) as well as photographs, pictures, maps, plans, audio and video recordings, etc. relating to the administration of IFAD business. In accordance with Idaho Statutes, records may be considered permanent, semi-permanent or temporary. Other documents and records which do not directly relate to IFAD business and decision-making, may be kept in the office files for convenience or efficiency but will not be included within the scope of an official records examination or request.

C. Examination and Inspection of Records. The public shall have the right to inspect or copy IFAD records. They may be examined during the custodian's regular business office hours unless other arrangements are made. The custodian will make an effort to extend "all reasonable comfort and facility" to persons who may wish to review the records. The custodian may maintain "such vigilance as is required to prevent alteration of any public record while it is being examined."

D. Records Requests. (See Idaho Code §9-339)

1. A formal records request must be made in writing and will include the requestor's name, address, and phone number and a signature attesting a willingness to pay reasonable and lawful costs associated

with the request and affirming that the records will not be used to prepare a mailing or mailing list.

2. Requests may be made and filled via email.
3. The custodian is required to grant, deny, or respond to a request for inspection for copying within three working days of the date of the request.
4. If additional time is needed to respond to the request an additional seven days may be granted upon notification of the requestor. If still more time is needed, the IFAD will notify the requester and work to provide the record at a mutually agreed-upon time.
5. Denial of a request must be done in writing and verify that the request has been reviewed by IFAD counsel. The notice of denial will include the statutory authority for the denial.
6. An appeal of a denial may be filed (see Idaho Code §9-339 (3-4)).
7. Disputed records shall be retained throughout an appeals process.

E. Retention of Records.

1. **Permanent** Records are to be kept for as long as the IFAD exists. This includes:
 - a. Adopted meeting minutes of the IFAD Board and any of its subcommittees;
 - b. Records of annual hotel motel room sales tax income;
 - c. Annual budgets, fiscal year-end financial reports and audit results;
 - d. Any official reports, findings, or blueprints, in final form; and
 - e. Records affecting the title to real property or liens thereon; and
 - f. Other documents or records as may be deemed of permanent nature by the IFAD Board of Directors.
2. **Semi-permanent** Records are to be kept at least 7 years. This includes:
 - a. Claims, canceled checks, warrants, duplicate warrants, purchase orders, vouchers, duplicate receipts, utility and other financial records;
 - b. Documents relating to the routine collection and administration of the hotel motel room sales tax;
 - c. Monthly accounting reports;
 - d. Contracts and leases, once expired;
 - e. Personnel records;
 - f. Correspondence; and
 - g. Other documents or records as may be deemed of semi-permanent nature by the IFAD Board.
3. **Temporary** Records are to be kept at least 2 years. This includes:
 - a. Official Meeting notices and agendas;
 - b. Routine email documents, notices and correspondence;

- c. Financial documents and cash receipts (provided they are not still required for the completion of any relevant financial audit as required by Idaho Code §67-4909); and
- d. Any other document deemed to be of a temporary nature by the IFAD Board.

F. Exempt Records. Records exempt from examination, inspection, or review are statutorily defined (see Idaho Code §9-340A-H and as amended hereafter).

G. Fees for Records Searching and Copying.

1. No fee shall be charged for the first two hours of labor resulting from a request or for copying the first 100 pages of paper records requested.
2. Fees for requests of over 100 pages shall include actual labor and copying costs associated with locating, redacting, copying, printing and/or electronically transferring documents and may also include personnel costs in excess of two hours and will be charged at the Custodian's lowest hourly rate.
3. If desired, records may be transferred electronically via CD, DVD, or other electronic means. Hourly rates will also apply to costs associated with converting the format of the record.
4. The custodian may challenge a total request exceeding 100 pages if it is broken up into multiple separate requests of increments of less than 100 pages if the custodian deems this is being done to avoid incurring and paying personnel costs. In this case, requests then may be combined and proper costs assessed.
5. Fees charged will be uniform to all requesters and may require advance payment of fees by the requester. Any portion of an advance payment in excess of the actual costs incurred for printing, copying, labor, etc. shall be returned to the requester.

H. Destruction of Records. A record that is no longer required to be kept shall be destroyed in a manner so as to render it unusable in whatever form or state it is in—paper will be shredded, electronic records erased or deleted, etc.



Request to Examine/Copy Public Records

To: IFAD 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 examine these records.
- I wish copies of these records.

Name _____

Mailing Address _____

Telephone _____

Email Address _____

Signature _____

Preferred method of contact: phone email US Postal Service

(By my signature, I acknowledge my willingness to pay all costs lawfully incurred in fulfillment of this request. I further attest 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.)



Response to Request to Examine/Copy Public Records

Date _____

Name of Requestor _____

Date of Request _____

Your request has been approved.
See attached documents or please contact the undersigned to arrange a time to examine the records. (This may be a partial approval. See items 2 or 3 regarding records not located or deemed exempt.)

Additional time is required to complete your request.
Your records will be available on _____, or further information will be provided regarding your request.

Your Request has been denied.
The following records are exempt from public disclosure as stated in Idaho Code section _____. The IFAD attorney has reviewed your request and this response. **NOTICE: PURSUANT TO IDAHO CODE § 9-343 YOU HAVE 180 DAYS TO APPEAL THIS DECISION BY FILING A PETITION IN STATE DISTRICT COURT IN THE COUNTY WHERE ALL OR PART OF THE RECORDS ARE LOCATED**

_____ Pages provided at \$ _____/page times _____ pages = \$ _____

_____ Personnel hours at \$ _____/hour times _____ hours = \$ _____

TOTAL COST = \$ _____

(Signature)
IFAD Custodian
Bonneville County