



PUBLIC RECORDS POLICY

I. Purpose

The purpose of this policy is to recognize the right of every person to inspect public records of Lake City Development Corporation (“**LCDC**”) pursuant to Idaho public records law, Idaho Code Sections 9-337 through 9-350, and to facilitate the process for requesting public records in the most efficient manner possible.

II. Definitions. The following terms shall be as defined in Idaho Code § 9-337. Certain key terms are reprinted herein for convenience.

- A.** “**Copy**” means transcribing by handwriting, photocopying, duplicating machine and 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. If no such designation is made by the public agency or independent body corporate and politic, then custodian means any public official having custody of, control of, or authorized access to public records and includes all delegates of such officials, employees or representatives.
- 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.
- E.** “**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.

III. Public Records Requests

- A. Records Requests.** Requests must be made in writing by completing and signing LCDC's public record request form and must include a complete and detailed description of the materials requested. LCDC will not author or prepare any new documents in response to a records request. LCDC will accept a completed public records request form submitted in person, by U.S. mail, by e-mail, or by facsimile.
- B. Response to Requests.** LCDC will respond to all public records requests as soon as practicable and without unreasonable delay. In any event, LCDC shall respond to any requestor within three (3) working days after LCDC's receipt of the request. When a person requests to examine records that may be exempt from disclosure under Sections 9-340A through 9-340F, Idaho Code, the requestor will be notified in writing within three (3) working days after LCDC's receipt of the request whether or to what extent the request will be granted or denied. If LCDC cannot grant or deny a person's request to inspect, examine, or copy public records within three (3) working days 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 9-340F, Idaho Code, the requestor will be notified of the delay in writing within three (3) working days of the request. The request will be granted or denied in whole or in part within ten (10) working days of the request. Any notice of denial or partial denial shall state: (i) that the attorney for LCDC has reviewed the request; (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 an electronic record is requested, and conversion of the record to another electronic format cannot be completed within ten (10) working days, the agency shall so notify the requestor in writing. LCDC must provide the converted record to the requestor at a time mutually agreed upon by LCDC and the requestor.
- C. Cost Estimate.** If fees and/or charges are appropriate pursuant to Section V herein, LCDC will provide a cost estimate in its response.

IV. Inspection of Public Records/Copies of Public Records

- A. Inspection.** A person making a public records request may personally inspect the requested documents at LCDC'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 LCDC except through special arrangement with LCDC staff.**

- B. Copies.** Upon request, LCDC 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. LCDC retains the right to provide documents in a secure format to prevent alteration or misuse of the public record.

V. Costs and Fees

- A. Payment of Costs.** When presented with a public records request deemed voluminous or time-intensive in nature, LCDC shall prepare an estimated cost bill reflecting the full, actual cost of LCDC 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, LCDC may impose charges for records requests to the extent of costs actually incurred in the processing and preparation of the response.
- B. Labor Costs.** LCDC may charge labor costs incurred if the request is either (i) for more than one hundred (100) pages of paper records, or (ii) includes non-public information that must be deleted, or (iii) if the request requires two hours or more of staff time to locate and copy documents requested. The amount of labor costs will be based on the staff person's regular hourly wage rate multiplied by the time estimated to respond to the request.
- C. Materials Fees.** LCDC has established a copying fee schedule, which represents the actual costs incurred to LCDC for copying of the records, excluding labor costs. Pursuant to this schedule, LCDC may charge copying fees at the rate of five (.05) cents per page. Fees for copying requests totaling one dollar (\$1) or less may be waived. If assessed, the cost of providing computer disks containing copies of information will be two dollars (\$2) per disk. LCDC reserves the right to place security restrictions on electronic files to prevent alteration and misuse. If the documents are removed from LCDC custody for copying at a commercial copy shop, the requestor shall be responsible for the actual cost of the commercial copying. If delivery of the copied material is requested, mailing or delivery costs shall be included in the estimated cost bill.
- D. Deposit; Payment of Costs and Fees.** If the estimated cost bill is over twenty-five dollars (\$25.00), LCDC shall require a deposit in the full amount of the estimate before expending LCDC resources toward responding to the document request. If the actual cost of completing the request exceeds the estimate, LCDC will not release the search results until LCDC'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, LCDC shall proceed to fulfill the request and shall present a cost bill for LCDC's actual expenses, calculated in accordance with this policy and payable in full upon receipt of the request results.

- E. Waiver of Fees/Costs.** Copies of public records shall be furnished without cost, or at reduced cost, if the LCDC staff determines that a waiver or fee reduction is required pursuant to Idaho Code § 9-338(8)(c). In order to receive a fee waiver or reduction, the requestor must demonstrate, in writing, either (i) inability to pay, or (ii) that the public's interest or the public's understanding of the operations or activities of LCDC 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 cost of complying with the request that were due to requestor's disability.

VI. Contact Information for Public Records Requests

Public records request forms may be downloaded from LCDC's website, www.lcdc.org, or may be requested by contacting the LCDC office at the address below. Completed request forms may be submitted in person at the LCDC's office during normal business hours, by U.S. mail to the address below, by e-mail to the e-mail address listed below, or by facsimile to the fax number listed below.

Lake City Development Corporation
105 N. 1st St., Suite 100
Coeur d'Alene, ID 83814
Telephone: 208-292-1630
Fax: 208-667-9338
E-mail: info@lcdc.org
Hours: 8:00-5:00 (Monday through Friday)