

Public Access to District Records

Subject to the limitation provided herein and as provided by law, full access to information concerning the administration and operations of the District shall be afforded to the public. Public access to District records shall be afforded according to appropriate administrative procedures.

A "Public record" includes 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 or characteristics. A "Writing" includes, but is not limited to, handwriting, typewriting, printing, photocopying, 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 of a school district do not include the personal notes and memoranda of staff that remain in the sole possession of the maker and which are not generally accessible or revealed to other persons.

The \_\_\_\_\_ shall serve as "public records coordinator" with responsibility and authority for ensuring compliance with the display, indexing, availability, inspection, and copying requirements of state law and this policy. As coordinator, the Superintendent shall authorize the inspection and copying of the District's records only in accordance with the criteria set forth in this policy.

In accordance with Title 9, Chapter 3, Idaho Code, the following records shall not be subject to public inspection and/or copying:

1. Any public record exempt from disclosure by federal or state law or federal regulations to the extent specifically provided for by such law or regulation;
2. All personnel records of a current or former public official other than the public official's public service or employment history, classification, pay grade and step, longevity, gross salary and salary history, status, workplace and employing agency. All other personnel information relating to a public employee or applicant including, but not limited to, information regarding sex, race, marital status, birth date, home address and telephone number, applications, testing and scoring materials, grievances, correspondence and performance evaluations, shall not be disclosed to the public without the employee's or applicant's written consent;
3. Retired employees' and retired public officials' home addresses, home telephone numbers and other financial and non-financial membership records;

4. Records of a current or former employee other than the employee's duration of employment with the association, position held and location of employment. This exemption from disclosure does not include the contracts of employment or any remuneration, including reimbursement of expenses, of the executive director, executive officers or commissioners of the association. All other personnel information relating to an association employee or applicant including, but not limited to, information regarding sex, race, marital status, birth date, home address and telephone number, applications, testing and scoring materials, grievances, correspondence, retirement plan information and performance evaluations, shall not be disclosed to the public without the employee's or applicant's written consent;
5. Records relating to the appraisal of real property, timber or mineral rights prior to its acquisition, sale or lease by the District;
6. Any estimate prepared by the District that details the cost of a public project until such time as disclosed or bids are opened, or upon award of the contract for construction of the public project;
7. Examination, operating or condition reports and all documents relating thereto, prepared by or supplied to the District;
8. Records of any risk retention or self-insurance program prepared in anticipation of litigation or for analysis of or settlement of potential or actual money damage claims against the District and/or its employees except as otherwise discoverable under the Idaho or federal rules of civil procedure. These records shall include, but are not limited to, claims evaluations, investigatory records, computerized reports of losses, case reserves, internal documents and correspondence relating thereto. At the time any claim is concluded, only statistical data and actual amounts paid in settlement shall be deemed a public record unless otherwise ordered to be sealed by a court of competent jurisdiction. Provided however, nothing in this subsection is intended to limit the attorney client privilege or attorney work product privilege otherwise available to any public agency or independent public body corporate and politic;
9. Computer programs developed or purchased by or for the District for its own use. As used in this subsection, "computer program" means a series of instructions or statements which permit the functioning of a computer system in a manner designed to provide storage, retrieval and manipulation of data from the computer system, and any associated documentation and source material that explain how to operate the computer program. Computer program does not include:
  - a. The original data including, but not limited to, numbers, text, voice, graphics and images;
  - b. Analysis, compilation and other manipulated forms of the original data produced by use of the program; or
  - c. The mathematical or statistical formulas that would be used if the manipulated forms of the original data were to be produced manually.
10. Personal information from any file maintained for students. Information from student records shall be disclosed only in accordance with the requirements of the Family Educational Rights and Privacy Act of 1974 and adopted District policy;
11. Test questions, scoring keys, or other examination data used to administer academic tests;

12. Preliminary drafts, notes, recommendations and intra-District memoranda in which opinions are expressed or policies formulated or recommended, except that a specific record shall not be exempt when publicly cited by the District in connection with any District action;
13. Records that are relevant to a controversy to which the District is a party but which records would not be available to another party under the rules of pre-trial discovery for cases pending resolution;
14. Records of buildings, facilities, infrastructures and systems when the disclosure of such information would jeopardize the safety of persons or the public safety. Such records may include emergency evacuation, escape or other emergency response plans, vulnerability assessments, operation and security manuals, plans, blueprints or security codes.

The District shall either grant or deny a person'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. If it is determined by the District that a longer period of time is needed to locate or retrieve the public records, the District shall so notify in writing the person requesting to examine or copy the records and shall provide the public records to the person no later than ten (10) working days following the person's request. If the District fails to respond, the request shall be deemed to be denied within ten (10) working days following the request. If the District denies the person's request for examination or copying the public records or denies in part and grants in part the person's request for examination and copying of the public records, the person legally responsible for administering the District or the District's designee shall notify the person in writing of the denial or partial denial of the request for the public record. The notice of denial or partial denial shall state 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. The notice of denial or partial denial also shall indicate the statutory authority for the denial and indicate clearly the person's right to appeal the denial or partial denial and the time periods for doing so. If a record is requested in electronic format and the record cannot be converted to another electronic format within ten (10) working days, the District shall notify the person requesting the records of the same and provide the records to such person at a time mutually agreed upon giving consideration to any limitations that may exist regarding electronic conversion.

If the record requested for inspection and/or copying contains both information exempted from disclosure and non-exempt information, the District shall, to the extent practicable, produce the record with the exempt portion deleted and shall provide a written explanation for the deletion.

The coordinator is authorized to seek an injunction to prevent the disclosure of records otherwise suitable for disclosure when it is determined that there is reasonable cause to believe that the disclosure would not be in the public interest and would substantially or irreparably damage any person or would substantially or irreparably damage vital governmental functions.

Unless a person requesting the public record can demonstrate an inability to pay or that the public's interest or understanding of the operation or activities of the school district or its records would suffer by the assessment or collection of any fee, the District will charge \_\_\_\_\_¢ per copy. The custodian may require advance payment of the cost of copying. Further the District reserves the right to establish fees to recover the actual labor cost associated with the locating and copying of documents or records if the request is for more than one hundred (100) pages of paper records; or the request includes records from which nonpublic information must be deleted; or the actual labor associated with locating and copying documents for a request exceeds two (2) person hours.

If a record is requested electronically, a copy of a computer disc or similar record system the fee shall not exceed:

- (1) The District's cost of copying the information in that form;
- (2) The District's cost of conversion, or the cost of conversion charged by a third party, if the electronic record must be converted to another electronic form.

In the event an individual requests a record be provided in electronic format, the District shall provide the record in electronic format if the record is available in that format. A request for public records may be conducted by electronic mail.

Finally, the school district reserves the right to charge a uniform fee that does not exceed the School Districts direct cost of copying information for providing a duplicate of a computer tape, computer disc, microfilm or similar or analogous record system containing public record information.

Cross Reference: 1530      Records Available to Public

Legal Reference: Title 9, Chapter 3 Public Records

Policy History:

Adopted on:

Revised on:

Prior Board Policy: