

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 588

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO PUBLIC RECORDS REQUESTS; AMENDING SECTION 74-103, IDAHO CODE,
2 TO REVISE PROVISIONS REGARDING THE REQUEST AND RESPONSE TO REQUEST FOR
3 EXAMINATION OF PUBLIC RECORDS; AND DECLARING AN EMERGENCY AND PROVIDING
4 AN EFFECTIVE DATE.
5

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 74-103, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 74-103. REQUEST AND RESPONSE TO REQUEST FOR EXAMINATION OF PUBLIC
10 RECORDS. (1) All requests to examine public records shall be made to the
11 designated custodian of such records as defined in section 74-101(3), Idaho
12 Code. A public agency, a public official, or an employee of a public agency
13 shall have no obligation and shall not be deemed to have assumed any obli-
14 gation to respond to a public records request that fails to comply with the
15 requirements of this subsection. A public records request must clearly in-
16 dicate that it is a public records request.

17 (2) A public agency or custodian shall either grant or deny a person's
18 request to examine or copy public records within three (3) working days of
19 the date of the receipt of the request for examination or copying. If it is
20 determined by employees of the public agency that a longer period of time is
21 needed to locate or retrieve the public records, the public agency shall so
22 notify in writing the person requesting to examine or copy the records and
23 shall provide the public records ~~to the person~~ no later than ten (10) working
24 days following the person's request, if such person is an Idaho resident, and
25 no later than twenty-one (21) working days following a request from a nonres-
26 ident. Provided however, if it is determined the existing electronic record
27 requested will first have to be converted to another electronic format by
28 the agency or by a third party and that such conversion cannot be completed
29 within ten (10) working days, the agency shall so notify in writing the per-
30 son requesting to examine or copy the records. The agency shall provide the
31 converted public record at a time mutually agreed upon between the agency and
32 the requester, with due consideration given to any limitations that may ex-
33 ist due to the process of conversion or due to the use of a third party to make
34 the conversion.

35 (3) If the public agency or custodian fails to respond, the request
36 shall be deemed to be denied within ten (10) working days following the re-
37 quest.

38 (4) If the public agency denies the person's request for examination
39 or copying the public records or denies in part and grants in part the per-
40 son's request for examination and copying of the public records, the person
41 legally responsible for administering the public agency or that person's de-

1 signee shall notify the person in writing of the denial or partial denial of
2 the request for the public record.

3 (5) The notice of denial or partial denial shall state that the attorney
4 for the public agency has reviewed the request or shall state that the public
5 agency has had an opportunity to consult with an attorney regarding the re-
6 quest for examination or copying of a record and has chosen not to do so. The
7 notice of denial or partial denial also shall indicate the statutory author-
8 ity for the denial and indicate clearly the person's right to appeal the de-
9 nial or partial denial and the time periods for doing so.

10 SECTION 2. An emergency existing therefor, which emergency is hereby
11 declared to exist, this act shall be in full force and effect on and after
12 July 1, 2024.