

A. PUBLIC RECORDS STATUTES

As noted in the Introduction and Glossary of Terms, your state likely recognizes a distinction between “public records,” which may include correspondence, office records, personnel records, etc., and “government publications,” which may be compiled as a means to disseminate government information of educational or public interest. This section addresses statutes that concern public records and, in particular, those that focus on record keeping requirements and retention. The compilation of statutes for your state may combine record keeping requirements with public access provisions or freedom of information laws. Those statutes are addressed in Sections B & C.

1. Does your state have “public records statutes,” as referred to in the paragraph above?

Yes
 No

a. If “Yes,” cite your state’s public records statutes and the administrative regulations that supplement them.

IDAHO CODE § 67-5745 to -5752;

DEP’T OF ADMIN., STATE OF IDAHO, RECORDS MANAGEMENT GUIDE (2000),

<<http://www2.state.id.us/adm/purchasing/recguide.pdf>>;

DEP’T OF ADMIN., STATE OF IDAHO, RECORDS RETENTION SCHEDULE FOR STATE GOVERNMENT AGENCIES (2000),

<<http://www2.state.id.us/adm/purchasing/retentionschedule.pdf>>.

b. If “No,” skip this whole section.

Additional comments:

2. The public records statutes/regulations apply to which of the following branches?

Executive
 Legislative
 Judicial
 Administrative (applying to all agencies, no matter what branch of government)
 Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

IDAHO CODE § 67-5751 authorizes the director of administration to develop rules and procedures for the management of all state records. IDAHO CODE § 67-5752 requires the director of administration to create a records management manual, and requires “state agencies” to comply with its provisions.

Additional comments:

IDAHO CODE § 67-5745A(2) defines “state agencies” as “all state agencies or departments, boards, commissions, councils, and institutions of higher education, but shall not include the elected constitutional officers and their staffs, the legislature and its staffs or the judiciary.”

3. Cite to public records statutes/regulations where “public record” is defined.

For purposes of record keeping, “record” is defined at IDAHO CODE § 67-5751 as “any document, book, paper, photograph, sound recording, or other material, regardless of physical form or

characteristics, made or received pursuant to law or in connection with the transaction of official state business.”

Additional comments:

The definition of “record” includes electronic media so that electronic public records are subject to the same retention policies as print material. *See* DEP’T OF ADMIN., STATE OF IDAHO, RECORDS MANAGEMENT GUIDE 6 (2000), <<http://www2.state.id.us/adm/purchasing/recguide.pdf>>

4. Do the public records statutes/regulations address electronic records separately vis-à-vis print records?

Yes
 No

a. If “Yes,” cite to and briefly discuss statutes/regulations addressing electronic records; how are they treated differently?

DEP’T OF ADMIN., STATE OF IDAHO, RECORDS MANAGEMENT GUIDE, Appendix 2 (2000), <<http://www2.state.id.us/adm/purchasing/recguide.pdf>> contains Policy, Standards, Guidelines, and Conventions for Electronic Document Management.

Additional comments:

5. Do the public records statutes/regulations address retention of records?

Yes
 No

a. If “Yes,” cite to and briefly summarize the retention provisions.

DEP’T OF ADMIN., STATE OF IDAHO, RECORDS MANAGEMENT GUIDE 7-8,16-18 (2000) <<http://www2.state.id.us/adm/purchasing/recguide.pdf>> mandates different retention schedules depending on a document’s “retention value” and whether a document is characterized as “Vital/Historical or Archival,” “Important,” “Useful,” or “Non-Essential.” Retention of many specific types of documents is addressed in DEP’T OF ADMIN., STATE OF IDAHO, RECORDS RETENTION SCHEDULE FOR STATE GOVERNMENT AGENCIES (2000) <<http://www2.state.id.us/adm/purchasing/retentionschedule.pdf>>.

b. If “Yes,” also cite to and discuss any provisions/regulations that address retention of electronic records; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

If documents are stored in digital format, the format must preclude alteration or erasure of the document, and must permit printing on paper at resolution of at least 200 dpi. IDAHO CODE § 9-331A(3). If documents are stored as a data stream, they must be maintained in a system that is secure from unauthorized alteration or deletion and which provides for back-up and off-site storage. IDAHO CODE § 9-331A(4).

Additional comments:

6. Do the public records statutes/regulations or other sources of law supplementing them (particularly a declaration of legislative intent or a relevant attorney general opinion) declare the public policy of the state and address the scope of citizens’ access to public records or acknowledge the state’s responsibility to permanently maintain public records?

Yes
 No

a. If "Yes," cite to and provide relevant language.

IDAHO CODE § 9-338(1) states "every person has a right to examine and take a copy of any public record of this state and there is a presumption that all public records in Idaho are open at all reasonable times for inspection except as otherwise expressly provided by statute."

Additional comments:

For purposes of citizen access, "public record" is defined at IDAHO CODE § 9-337. The definition includes documents in the possession of "state agencies" defined more broadly to include the legislature and the judiciary.

7. Is a public records administrator, a public records commission or other officer/government entity responsible for administering the public records statutes/regulations?

Yes
 No

a. If "Yes," cite to applicable statutes/regulations and identify the responsible officer/government entity.

IDAHO CODE § 67-5751 provides that the director of administration is responsible for establishing rules and procedures pertaining to the management of all state records. IDAHO CODE § 67-5745B creates an Information Technology Resource Management Council within the Department of Administration. While primarily concerned with information technology and telecommunications systems, IDAHO CODE § 67-5745C(10) gives the council authority to establish guidelines for accessing public information.

b. If "Yes," also cite to and discuss any source of law requiring the responsible officer/government entity to permanently maintain government information; cite attorney general opinions, court decisions, and administrative rules or guidelines.

DEP'T OF ADMIN., STATE OF IDAHO, RECORDS MANAGEMENT GUIDE, Appendix 3, A-3-3 (2000) <<http://www2.state.id.us/adm/purchasing/recguide.pdf>> provides for the transfer of historically valuable records to the State Archives. But it also recognizes that "the regular disposition (transfer or destruction) of records which have reached the end of their established retention period lessens the agency's exposure to public demands, saves storage costs, and removes clutter from office and records storage."

Additional comments:

The "record keeping" provisions concerning public records are located in Title 67 of the Idaho Code. They require the director of administration to promulgate rules applicable to various governmental entities, but excluding constitutional officers, the legislature and the judiciary.

The "public access" provisions are located in Title 9 of the Idaho Code. They are applicable to a wider range of governmental entities.

8. Has any public records legislation/administrative regulation been proposed calling for "permanent public access" to electronic public records?

Yes
 No

a. If "Yes," cite to and briefly discuss the legislation/proposed regulation; what was the outcome?

- b. If “Yes,” also cite to documents from the legislative or regulatory history.

Additional comments:

The definition of “record” includes electronic media so that electronic public records are subject to the same retention policies as print material. *See* DEP’T OF ADMIN., STATE OF IDAHO, RECORDS MANAGEMENT GUIDE 6 (2000) <<http://www2.state.id.us/adm/purchasing/recguide.pdf>>

9. Has litigation under the public records statutes resulted from the state’s failure to “permanently” maintain a public record?

Yes
 No

- a. If “Yes,” cite to and briefly discuss each case.

Additional comments:

10. Discuss any unique circumstances in your state relevant to “permanent public access” of public records under public records statutes/regulations.

B. FREEDOM OF INFORMATION ACT

A state’s freedom of information act (or law) generally addresses public access to “public records.” As noted under Section A above, the compilation of statutes for your state may combine record keeping requirements and public access provisions.

1. Does your state have a “freedom of information act,” as referred to in the paragraph above?

Yes
 No

- a. If “Yes,” cite your state’s freedom of information act (or law) statutes and the administrative regulations that supplement them.

IDAHO CODE § 9-337 to -350.

- b. If “No,” skip this whole section.

Additional comments:

The statute governing public access is referred to as the “Idaho Public Records Law” rather than the “Freedom of Information Act.”

2. The freedom of information act statutes/regulations apply to which of the following branches?

Executive
 Legislative
 Judicial
 Administrative (applying to all agencies, no matter what branch of government)
 Other

- a. Briefly explain your answer and cite to applicable statutes/regulations.

The general right to examine and copy public records is set out at IDAHO CODE § 9-338. “Public record” is broadly defined at IDAHO CODE § 9-337.

Additional comments:

The “public access” provisions of the statute apply to “public records” in the possession of “state agencies,” defined as “every state officer, department, division, bureau, commission and board or any committee of a state agency including those in the legislative or judicial branch, except the state militia.”

3. Cite to freedom of information law statutes/regulations where “public record” is defined.

IDAHO CODE § 9-337.

Additional comments:

4. Do the freedom of information act statutes/regulations address electronic records separately vis-à-vis print records?

Yes

No

- a. If “Yes,” discuss whether the freedom of information act statutes/regulations had been amended at any time to cover electronic records; cite to and provide amending language.
- b. If “Yes,” also cite to and briefly discuss statutes/regulations addressing electronic records; how are they treated differently?

Additional comments:

The record keeping requirements of the regulations supporting the statute address electronic records separately. But the provisions dealing with the public’s right of access do not distinguish between electronic records and print records.

5. Do any freedom of information act statutes/regulations assure “permanent public access” of electronic public records?

Yes

No

- a. If “Yes,” cite to and discuss any provisions/regulations that address “permanent public access”; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

See Items A.5 and A.7.

6. Do the freedom of information act statutes/regulations or other sources of law supplementing them (particularly a declaration of legislative intent or a relevant attorney general opinion) declare the public policy of the state and address the scope of citizens’ access to public records or acknowledge the state’s responsibility to permanently maintain public records?

Yes

No

- a. If “Yes,” cite to and provide relevant language.

See Item A.6.

Additional comments:

7. Has any freedom of information legislation/administrative regulation been proposed calling for “permanent public access” of electronic public records?

Yes

No

a. If “Yes,” cite to and briefly discuss the legislation/proposed regulation; what was the outcome?

b. If “Yes,” also cite to documents from the legislative or regulatory history.

Additional comments:

8. Has litigation under the freedom of information act resulted from the state’s failure to “permanently” maintain a public record?

Yes

No

a. If “Yes,” cite to and briefly discuss each case.

Additional comments:

9. Discuss any unique circumstances in your state relevant to “permanent public access” of public records under freedom of information act statutes/regulations.

C. PUBLIC ACCESS LAWS

The term “public access law” is intended to be a catchall for all other statutes that address the permanency and public accessibility of government information. The type of law appropriately falling under this section is most likely to be a statute that governs availability and access of *government publications*. An example of such a statute is the “Free Public Access to the Code of Maryland Regulations Act,” whose title alone explains much about its purpose.

1. Does your state have any “public access laws,” as referred to in the paragraph above?

Yes

No

a. If “Yes,” cite each of your state’s public access law statutes and the administrative regulations that supplement them.

b. If “No,” skip this whole section.

Additional comments:

2. For each public access law, specify the branches to which it applies.

Executive

Legislative

Judicial

- Administrative (applying to all agencies, no matter what branch of government)
- Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

Additional comments:

3. For each public access law, cite to and discuss provisions/regulations addressing the particular form of government information addressed by the law.

Additional comments:

4. For each public access law, do the applicable statutes/regulations address electronic information separately vis-à-vis print information?

- Yes
- No

a. If "Yes," cite to and briefly discuss statutes/regulations addressing electronic information; how is it treated differently?

Additional comments:

5. For each public access law, do the applicable statutes/regulations specifically address permanency of the information?

- Yes
- No

a. If "Yes," for each public access law, cite to and briefly discuss the permanency provisions.

Additional comments:

6. For each public access law, do the applicable statutes/regulations specifically address accessibility of information?

- Yes
- No

a. If "Yes," cite to and briefly discuss the accessibility provisions.

Additional comments:

7. For each public access law, do the applicable statutes/regulations or any other source of law supplementing them (particularly a declaration of legislative intent or a relevant attorney general opinion) declare the public policy of the state and address the scope of citizens' access to government publications or acknowledge the state's responsibility to permanently maintain government publications?

- Yes
- No

- a. If “Yes,” cite to and provide relevant language.

Additional comments:

- 8. Has any public access legislation/administrative regulation been proposed calling for “permanent public access” of electronic publications?

Yes
 No

- a. If “Yes,” cite to and briefly discuss the legislation/proposed regulation; what was the outcome?
- b. If “Yes,” also cite to documents from the legislative or regulatory history.

Additional comments:

- 9. Has litigation under any public access law resulted from the state’s failure to “permanently” maintain a government publication?

Yes
 No

- a. If “Yes,” cite to and briefly discuss each case.

Additional comments:

- 10. Discuss any unique circumstances in your state relevant to “permanent public access” of government publications under public access laws.

D. STATE OFFICE FOR TECHNOLOGY AND CHIEF INFORMATION OFFICER

- 1. Does your state have an office for technology (or department of information technology, department of information service, or equivalent) and/or a chief information officer (or equivalent)?

Yes
 No

- a. If “Yes,” provide the complete official name for the office and/or officer; cite to the statute giving that information.

Information Technology Resource Management Council

- b. If “No,” skip this whole section.

Additional comments:

- 2. Cite the “enabling” statute that created and defines the powers/responsibilities of the office/officer; when was the statute first enacted?

IDAHO CODE § 67-5745B enacted in 1996.

Additional comments:

3. Does the office/officer have power to promulgate administrative regulations?

Yes
 No

a. If "Yes," cite the body of administrative regulations promulgated by the office/officer.

Additional comments:

Policy statements can be found at http://www2.state.id.us/itrmc/projects/projects_index.htm. The State Information Technology Plan can be found at <http://www2.state.id.us/itrmc/plan&policies/itplan.htm>

4. The office/officer has jurisdiction over which branches?

Executive
 Legislative
 Judicial
 Administrative (applying to all agencies, no matter what branch of government)
 Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

IDAHO CODE § 67-5745C sets out the council's authority over state agencies. See Item A.7.

IDAHO CODE § 67-5745A(2) defines "state agencies" as "all state agencies or departments, boards, commissions, councils, and institutions of higher education, but shall not include the elected constitutional officers and their staffs, the legislature and its staffs or the judiciary."

Additional comments:

The council encourages other units of government to develop and implement a technology plan that coordinates the collection and sharing of like information.

<http://www2.state.id.us/itrmc/whoweare/vision_mission.htm>

5. Are the powers/responsibilities of the office/officer defined differently for electronic government information vis-à-vis print government information?

Yes
 No

a. If "Yes," cite to and briefly discuss applicable statutes/regulations addressing electronic government information; how is it treated differently?

The council is primarily involved with the management of information technology and telecommunications systems. It is not concerned with print information.

Additional comments:

6. Do applicable statutes/regulations for the office/officer set forth powers/responsibilities relating to "permanent public access" of government information?

Yes
 No

- a. If "Yes," cite to and discuss any provisions/regulations that address those powers/responsibilities; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

- 7. Does any relevant source of law acknowledge in any way the state's responsibility to permanently maintain government information?

Yes
 No

- a. If "Yes," briefly discuss that recognition; cite to and provide relevant language.

See Item A.7.

Additional comments:

- 8. Whether or not a supporting source of law can be identified, does the office/officer acknowledge responsibility to permanently maintain government information?

Yes
 No

- a. If "Yes," briefly discuss when and how that responsibility was acknowledged; cite to any supporting source of law.

Additional comments:

- 9. Has the office/officer undertaken any special initiatives or projects involving "permanent public access" of government information?

Yes
 No

- a. If "Yes," briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

Additional comments:

- 10. Has any litigation involving the office/officer resulted from the state's failure to "permanently" maintain government information?

Yes
 No

- a. If "Yes," cite to and briefly discuss each case.

Additional comments:

- 11. Discuss any unique circumstances in your state relevant to the office for technology and/or chief information officer.

E. STATE TECHNOLOGY PLANS

1. Does your state have a current official information technology plan (or equivalent)?

- Yes
- No

a. If "Yes," describe what government entity was responsible for creating the plan; cite to the source of its authority.

Information Technology Resource Management Council
IDAHO CODE § 67-5745C

b. If "Yes," also provide complete bibliographic information about the plan; when was it published?

INFORMATION TECHNOLOGY RESOURCE MANAGEMENT COUNCIL, INFORMATION TECHNOLOGY PLAN (EXECUTIVE OVERVIEW) (August 2001) (brochure)
<http://www2.state.id.us/itrmc/plan&policies/it_plan.htm>

c. If "No," skip this whole section.

Additional comments:

2. The technology plan covers which branches?

- Executive
- Legislative
- Judicial
- Administrative (applying to all agencies, no matter what branch of government)
- Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

Additional comments:

See Item D.4.

3. Does the current plan include a section on permanency and public accessibility of electronic government information?

- Yes
- No

a. If "Yes," cite to and provide relevant language of the plan.

Phase 3 of the Plan resulted in creation of the Access Idaho Web Portal. (See Item J.1 regarding public accessibility.)

Additional comments:

4. Discuss any unique circumstances in your state relevant to technology planning or the current information technology plan.

F. STATE PRINTING OFFICE AND STATE PRINTER

1. Does your state have an official printing office (or equivalent) and/or an official printer (or equivalent)?

- Yes
- No

- a. If “Yes,” provide the complete official name for the printing office and/or official printer; cite to the statute giving that information.
- b. If “No,” skip this whole section.

Additional comments:

Bids for printing must comply with the procedures of DIVISION OF PURCHASING, DEP’T, OF ADMIN., STATE OF IDAHO, GETTING IT PRINTED (Sept. 1998)
<<http://www2.state.id.us/adm/purchasing/printbk.pdf>>

2. Cite the “enabling” statute that created and defines the powers/responsibilities of the printing office/official printer.

Additional comments:

3. Does the printing office/official printer have power to promulgate administrative regulations?

- Yes
- No

- a. If “Yes,” cite the body of administrative regulations promulgated by the printing office/official printer.

Additional comments:

4. The printing office/official printer has jurisdiction over which branches?

- Executive
- Legislative
- Judicial
- Administrative (applying to all agencies, no matter what branch of government)
- Other

- a. Briefly explain your answer and cite to applicable statutes/regulations.

Additional comments:

5. Briefly discuss the functions of the printing office/official printer. Then:

- a. Describe your state’s use of in-house agency publishing and/or commercial publishing of government information.
- b. What percentage of official state government documents are printed by the printing office/official printer?

- c. To what extent is the printing office/official printer involved in the electronic dissemination of government information?

Additional comments:

6. Are the powers/responsibilities of the printing office/official printer defined differently for electronic government information vis-à-vis print government information?

Yes
 No

- a. If "Yes," cite to and briefly discuss applicable statutes/regulations addressing electronic government information; how is it treated differently?

Additional comments:

7. Do applicable statutes/regulations for the printing office/official printer set forth powers/responsibilities relating to "permanent public access" of government information?

Yes
 No

- a. If "Yes," cite to and discuss any provisions/regulations that address those powers/responsibilities; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

8. Does any relevant source of law acknowledge in any way the state's responsibility to permanently maintain government information?

Yes
 No

- a. If "Yes," briefly discuss that recognition; cite to and provide relevant language.

Additional comments:

9. Whether or not a supporting source of law can be identified, does the printing office/official printer acknowledge responsibility to permanently maintain government information?

Yes
 No

- a. If "Yes," briefly discuss when and how that responsibility was acknowledged; cite to any supporting source of law.

Additional comments:

10. Has the printing office/official printer undertaken any special initiatives or projects involving "permanent public access" of government information?

Yes
 No

- a. If "Yes," briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

Additional comments:

11. Has any litigation involving the printing office/official printer resulted from the state's failure to "permanently" maintain government information?

Yes
 No

- a. If "Yes," cite to and briefly discuss each case.

Additional comments:

12. Discuss any unique circumstances in your state relevant to the official printing office and/or official printer.

G. STATE ARCHIVES AND STATE ARCHIVIST

This section addresses your state's official archives and state archivist. If these responsibilities are by law under the auspices of your state library and state librarian, please move on to Section H.

1. Does your state have an official archives (or equivalent) and/or an official archivist (or equivalent)?

Yes
 No

- a. If "Yes," provide the complete official name for the archives and/or archivist; cite the statute giving that information.

Idaho State Historical Society

IDAHO CODE § 67-4126

- b. If "No," skip this whole section.

Additional comments:

2. Cite the "enabling" statute that created and defines the powers/responsibilities of the archives/archivist.

IDAHO CODE § 67-4126

Additional comments:

The historical society serves as the state archives.

<http://www.idahohistory.net/library_collections.html#anchor571509 >

3. Does the archive/archivist have power to promulgate administrative regulations?

Yes
 No

- a. If "Yes," cite the body of administrative regulations promulgated by the archive/archivist.

Standards for the storage of public records can be found at
http://www.idahohistory.net/record_storage.html

Additional comments:

Authority to promulgate rules is set out at IDAHO CODE § 67-4126(9).

4. The archive/archivist has defined responsibilities for which branches?

Executive

Legislative

Judicial

Administrative (applying to all agencies, no matter what branch of government)

Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

IDAHO CODE § 67-4126(8) empowers the historical society “to require that any state, county, or city, or any public official, deposit official books, records, documents, or original papers, not in current use, which are of definite historical importance, in the society for preservation and to provide methods whereby such materials, which have no significance, may be destroyed.”

Additional comments:

5. Briefly discuss the functions of the archive/archivist.

See Item G.4.

Additional comments:

6. Are the powers/responsibilities of the archive/archivist defined differently for electronic government information vis-à-vis print government information?

Yes

No

a. If “Yes,” cite to and briefly discuss applicable statutes/regulations addressing electronic government information; how is it treated differently?

Additional comments:

The historical society has adopted A Statement of Principles for the Preservation of and Long-Term Access to Digital Objects in Idaho. The historical society is aware of the need to develop a plan for the preservation of electronic materials.

<http://www.idahohistory.net/electronic_records.html>

7. Do applicable statutes/regulations for the archive/archivist set forth powers/responsibilities relating to “permanent public access” of government information?

Yes

No

a. If “Yes,” cite to and discuss any provisions /regulations that address those powers/responsibilities; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

See Item G.4.

Additional comments:

8. Does any relevant source of law acknowledge in any way the state's responsibility to permanently maintain government information?

Yes
 No

- a. If "Yes," briefly discuss that recognition; cite to and provide relevant language.

See Item G.4. But materials that have no significance can be destroyed.

Additional comments:

9. Whether or not a supporting source of law can be identified, does the archive/archivist acknowledge responsibility to permanently maintain government information?

Yes
 No

- a. If "Yes," briefly discuss when and how that responsibility was acknowledged; cite to any supporting source of law.

See Item G.4.

Additional comments:

10. Has the archive/archivist undertaken any special initiatives or projects involving "permanent public access" of government information?

Yes
 No

- a. If "Yes," briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

Additional comments:

11. Has any litigation involving the archive/archivist resulted from the state's failure to "permanently" maintain government information?

Yes
 No

- a. If "Yes," briefly discuss the circumstances of each case and its outcome, and provide citations to any court decisions.

Additional comments:

12. Discuss any unique circumstances in your state relevant to the official archive and/or official archivist.

H. STATE LIBRARY AND STATE LIBRARIAN

This section addresses your state's official library and state librarian. There is no separate section that addresses the official law library and state law librarian, if any. If your state has an official library *and* an official law library (and/or official librarian *and* official law librarian), it may be appropriate to address those government entities and/or persons separately.

1. Does your state have an official library (or equivalent) and/or an official librarian (or equivalent)?

Yes
 No

a. If "Yes," provide the complete official name for the library and/or librarian; cite to the statute giving that information.

Idaho State Library. IDAHO CODE § 33-2501.

b. If "No," skip this whole section.

Additional comments:

2. Cite the "enabling" statute that created and defines the powers/responsibilities of the library/librarian. The state library board is designated as the policymaking body for the Idaho state library, with authority as set out at IDAHO CODE § 33-2503.

Additional comments:

The state library board is maintained within the office of the state board of education. IDAHO CODE § 33-2502.

3. Does the library/librarian have power to promulgate administrative regulations?

Yes
 No

a. If "Yes," cite the body of administrative regulations promulgated by the library/librarian.

Additional comments:

4. The library/librarian has defined responsibilities for which branches?

Executive
 Legislative
 Judicial
 Administrative (applying to all agencies, no matter what branch of government)
 Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

IDAHO CODE §§ 33-2503, 33-2505. See Items H.5 and H.7 below.

Additional comments:

5. Briefly discuss the functions of the library/librarian.

The library generally fosters library service in the state of Idaho. It provides services to state government employees and the public as the Idaho state government information center. The library supports and delivers statewide library programs and services. IDAHO CODE § 33-2503.

Additional comments:

6. Are the powers/responsibilities of the library/librarian defined differently for electronic government information vis-à-vis print government information?

Yes

No

- a. If "Yes," cite to and briefly discuss applicable statutes/regulations addressing electronic government information; how is it treated differently?

Additional comments:

7. Do applicable statutes/regulations for the library/librarian set forth powers/responsibilities relating to "permanent public access" of government information?

Yes

No

- a. If "Yes," cite to and discuss any provisions/regulations that address those powers/responsibilities ; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

State governmental entities are required to send 20 copies of all documents, pamphlets, etc. produced for public distribution to the state library for redistribution to other libraries at the discretion of the state librarian. IDAHO CODE § 33-2505.

Additional comments:

8. Does any relevant source of law acknowledge in any way the state's responsibility to permanently maintain government information?

Yes

No

- a. If "Yes," briefly discuss that recognition; cite to and provide relevant language.

Additional comments:

The statute does not expressly grant or deny the authority of the state librarian to "weed" the material as deemed appropriate.

9. Whether or not a supporting source of law can be identified, does the library/librarian acknowledge responsibility to permanently maintain government information?

Yes

No

- a. If "Yes," briefly discuss when and how that responsibility was acknowledged; cite to any supporting source of law.

Additional comments:

10. Has the library/librarian undertaken any special initiatives or projects involving "permanent public access" of government information?

Yes

No

- a. If "Yes," briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

Additional comments:

11. Has any litigation involving the library/librarian resulted from the state's failure to "permanently" maintain government information?

Yes
 No

- a. If "Yes," cite to and briefly discuss each case.

Additional comments:

12. Discuss any unique circumstances in your state relevant to the state library and/or state librarian.
N/A.

I. STATE DEPOSITORY LIBRARY LAWS

States often have a depository library program patterned after the federal model for disseminating federal government publications.

1. Does your state have a "depository library program," as referred to in the paragraph above?

Yes
 No

- a. If "Yes," cite your state's depository library law statutes and the administrative regulations that supplement them.

IDAHO CODE § 33-2505.

- b. If "No," skip this whole section.

Additional comments:

IDAHO CODE § 33-2505 requires state governmental entities to send 20 copies of all documents, pamphlets, etc. produced for public distribution to the state library for redistribution to other libraries at the discretion of the state librarian. This statute is considered to be the Idaho Depository Law. <<http://www.lili.org/isl/ls6uplaw.htm>>

2. Do the depository library statutes/regulations address electronic government information separately vis-à-vis print government information?

Yes
 No

- a. If "Yes," cite to and briefly discuss statutes/regulations addressing electronic government information; how is it treated differently?

- b. If "No," explain whether or not the statutes/regulations have been construed to cover electronic government information?

The Idaho State Library interprets the Depository Law as requiring governmental agencies to provide it with written copies of material posted for public distribution on the Web.

<<http://www.lili.org/isl/ls6upele.htm>>

Additional comments:

3. Do any depository library statutes/regulations assure “permanent public access” of electronic government information?

Yes

No

- a. If “Yes,” cite to and discuss any provisions/regulations that address “permanent public access”; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

The statute does not expressly grant or deny the authority of depository libraries to “weed” the material as deemed appropriate.

4. Do the depository library statutes/regulations or any other source of law supplementing them (particularly a declaration of legislative intent or a relevant attorney general opinion) declare the public policy of the state and address the scope of citizens’ access to government information or acknowledge the state’s responsibility to permanently maintain public records?

Yes

No

- a. If “Yes,” cite to and provide relevant language.

Additional comments:

5. Have depository libraries as a whole undertaken any special initiatives or projects involving “permanent public access” of government information?

Yes

No

- a. If “Yes,” briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

Additional comments:

6. Please determine the absolute number or percentage of titles:

10% (approx.) Formerly distributed in print, now distributed exclusively in electronic format.

Unknown Never before distributed, now distributed in electronic format.

Additional comments:

7. Discuss the depository library program’s effectiveness and actual accomplishments in disseminating, preserving and providing access of electronic government information?

The effectiveness of the program in preserving electronic government information is dependent on the extent to which state agencies provide print copies to the State Library.

Additional comments:

J. COOPERATIVE ARRANGEMENTS

One can imagine any number of cooperative arrangements to assure “permanent public access.” A well-known example is the partnership between the Texas Electronic Depository program (involving the Texas State Library and Archives Commission) and the University of North Texas Libraries (see description for program C304 at Computers in Libraries 2002 on the Information Today website). A hypothetical example of a less formalized cooperative arrangement is where a state’s highest court relies on the state bar association to publish the court’s decisions.

1. To secure PPA, has any state agency or other government entity (judicial, legislative or executive) partnered with any not for profit, educational, or for profit organization outside of government?

Yes
 No

- a. If “Yes,” describe each partnership, noting whether it is funded by a grant or through a government appropriation; give a brief history and summary of accomplishments.

Idaho provides a web portal to state government at <http://www.state.id.us>. After release of a request for proposal in June 1999, a contract was awarded to the Idaho Information Consortium in December 1999. The IIC manages the portal, but the state maintains oversight through the Access Idaho Committee. < <http://www.state.id.us/ai/aboutai.html>>

Additional comments:

2. Does the state rely on any cooperative activities that are not actually formalized?

Yes
 No

- a. If “Yes,” describe each relationship and cooperative activity; give a brief history and a summary of accomplishments.

Additional comments:

3. Does any state agency or other government entity secure “permanent public access” through any other type of cooperative arrangement?

Yes
 No

- a. Describe each cooperative arrangement; give a brief history and a summary of accomplishments.

Additional comments:

K. FACTORS TO BE CONSIDERED IN FUTURE ADVOCACY OR REFORM EFFORTS

1. If “permanent public access” is neglected in your state, carefully examine existing public records statutes, freedom of information statutes, public access laws, etc., and respond to the following:
 - a. If possible, cite to and discuss one or two specific places in statutes or other sources of law where the state legislature or a responsible agency might naturally insert basic reform language.
 - b. If specific places to insert reform language are not obvious, very briefly discuss what state agency or other government entity might naturally be made responsible for “permanent public access.”

Additional comments:

The Idaho Code and administrative regulations provide thorough coverage of “permanent public access.” They clearly contemplate long-term availability of documents for public access, but apparently allow government officials some discretion to “weed” the material as deemed appropriate.

2. Discuss known failed efforts in your state to achieve “permanent public access”; how might new efforts succeed?

Additional comments:

L. DIRECTORY

This section asks you to collect directory-type information for important state officials involved in the dissemination of government information.

Provide official contact information for:

1. State Chief Information Officer (or equivalent)

Pamela Ahrens

Director

Dept. of Administration

650 W. State Street

PO Box 83720

Boise, ID 83720-0003

Telephone: (208) 332-1824

Fax: (208) 334-2307

E-Mail: pahrens@adm.state.id.us

2. State Printer

3. State Archivist

Steve Guerber

Executive Director

Idaho State Historical Society

1109 Main Street, Ste. 250

Boise, ID 83702

Telephone: (208) 334-2682

Fax: (208) 334-2774

E-Mail: sguerber@ishs.state.id.us

4. State Librarian and/or State Law Librarian

Charles Bolles
State Librarian
325 W. State Street
Boise, ID 83702
Telephone: (208) 334-2150
Fax: (208) 334-4016
E-Mail: cbolles@isl.state.id.us

5. State Attorney General (on freedom of information act issues, etc.)

Bill von Tagen
Division Chief
Intergovernmental and Fiscal Law Division
Office of the Attorney General
PO Box 83720
700 W. Jefferson St.
Boise, ID 83720
Telephone: (208) 334-2400
Fax: (208) 334-2530

M. IMPORTANT STATE RESOURCES

Provide URLs or other finding information for:

1. Official state home page

<<http://www.accessidaho.org>>

<<http://www.state.id.us>>

2. State agency portal

<<http://www.accessidaho.org/topical.html>>

<<http://www.state.id.us/topical.html>>

a. Does the portal have a searching capability similar to FirstGov?

Yes

3. Legislative website

<<http://www2.state.id.us/legislat/legislat.html>>

a. Does the website cover the current year only?

Yes

b. Are services free or fee-based?

Free

4. Judicial websites

<http://www.accessidaho.org/government/judicial_legal.html>

<http://www.state.id.us/government/judicial_legal.html>

5. Regulatory agency websites

<<http://www.accessidaho.org/topical.html>>

<<http://www.state.id.us/topical.html>>

6. Freedom of Information Service Hotline

N/A

a. Does the state have an ombudsman for freedom of information act issues?

No

b. Is the state attorney general's office the public's contact for freedom of information act issues?

No. The Intergovernmental and Fiscal Law Division of the Office of the Attorney General provides legal advice to city and county officials concerning the Idaho Public Records Act.