



BOISE STATE UNIVERSITY

University Policy 1040

Public Records Requests

Effective Date

January 1991

Last Revision Date

April 07, 2022

Responsible Party

Office of Communications and Marketing, (208) 426-1577
Office of the General Counsel, (208) 426-1203

Scope and Audience

This policy applies to all Public Records of the university. The Freedom of Information Act (FOIA) applies to records held by federal agencies and is not generally applicable to University records.

Additional Authority

- Family Education Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g
 - Health Insurance Portability and Accountability Act (HIPAA) 45 C.F.R. § 164.502
 - Idaho Code Title 74 Chapter 1 (Public Records Act)
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1. Policy Purpose

To establish policy for processing requests to examine or copy records of the university.

2. Policy Statement

Boise State University, as a public institution of higher education, complies with the public record laws of the State of Idaho. The intent of public records law is that all records maintained by government entities be available for public access and copying. The university must balance this policy of openness against the need for privacy of certain student information and information provided by citizens and businesses that is necessary for the conduct of the government's business.

3. Definitions

3.1 Public Records

Any writing containing information relating to the conduct or administration of the University's business that is prepared, owned, used, or retained by the University. Personal notes created by a public official solely for their own use are not considered a public record as long as such personal notes are not shared with any other person or entity. For purposes of this policy, a "public official" is any University employee.

4. Custodian of Records

- a. The Public Records Coordinator is the designated custodian of records for the University for the purpose of the Idaho Public Records Act. The person serving in this position fulfills the duties required by Chapter 1, Title 74, Idaho Code, as well as the custodian designation specifically required by § 74-102 (16).
- b. In the event that the Public Records Coordinator is absent from their office for more than three (3) consecutive regular working days, the Chief Financial and Operating Officer and Vice President for Finance and Operations may designate a temporary records custodian.

5. General Subject Matter of Records

The following types of records are generally available and accessible to the public for inspection and copy: budget, audit, and other fiscal records; enrollment data; proposals for academic and vocational programs; business records; contracts; crime log, annual fire safety and security report, and numerous other records customarily received, created, and maintained by the university.

6. Request for Information or Records

- a. Requests for records must be submitted in writing utilizing the [Public Records Request Form](#). Requests must specifically describe the subject matter and records being sought, include a specific date range for when the records sought were created, and be as specific as possible. A requester's name, mailing address, e-mail address, and telephone number must also be provided for a request to be complete.
- b. The Public Records Coordinator will note the date and time the request was received. Within three (3) University business days of receipt, the university will either grant, partially deny, or deny the request or, if it is determined that a longer period of time is needed to locate, retrieve, and review the records, will notify the requester and then respond to the request within ten (10) University business days.
- c. The records response to each request will be examined in light of applicable state and federal laws, rules, and case law, as well as University and Idaho State Board of Education policies.

7. Copying and Labor Fees

- a. The university may charge for the cost of copying public records, in various forms, in accordance with the copying fee schedule in Section 8.
- b. The university will not charge any labor or materials fees for the first two (2) hours of labor in responding to a request or any copying or scanning fee for the first one hundred (100) pages of paper records. For example, if there are 125 pages of responsive documents, and University staff expended two and one-half (2½) hours in processing the request, the university will charge for 25 pages and one-half (½) hour of labor.
- c. If the actual cost of labor in responding to the request exceeds two (2) hours, the fee which the university may charge is the hourly rate of the lowest-paid employee who is qualified to process the request.
- d. Requests will be charged according to the schedule in Section 8. Payment must be made before, or at the time of receiving the copies. The custodian may require advance payment of fees, but any portion of the advance payment in excess of the actual costs will be returned to the requester.

8. Copying Fee Schedule

Idaho Code	Description of Work Performed	Costs
§ 74-102(10)(a)	Copying 100 or fewer pages, 8½" x 11" paper size	No charge
§ 74-102(10)(c), (e)	Copying other than 8½" x 11" paper size (maps, blueprints, other materials)	Actual copying cost and labor rate to be determined at time request is submitted, if applicable
§ 74-102(10)(c), (e)	Copying 100 more than 100 pages in color, 8½" x 11" paper size	\$.50 per page in excess of 100 and labor rate to be determined at time request is submitted, if applicable
§ 74-102(10)(d), (e)	Transfer of documentation in the form of computer tapes, discs, microfilm, or similar record media	Actual copying cost and labor rate to be determined at time request is submitted, if applicable
§ 74-102(10)(b), (c), (e)	Copying more than 100 pages, 8½" x 11" paper size	\$.10 per page for pages in excess of 100 and labor rate to be determined at time request is submitted, if applicable
§ 74-102(10)(b), (c), (e)	Redacting nonpublic information from records	Labor rate to be determined at time request is submitted, if applicable

Idaho Code	Description of Work Performed	Costs
§ 74-102(10)(b), (c), (e)	Labor exceeding two (2) person hours to locate and copy documents	Labor rate to be determined at time request is submitted, charge only for time in excess of two (2) hours

9. Fee Waivers

- a. Pursuant to Idaho Code § 74-102(10)(f), the university will not charge any cost or fee for copies or labor when the requester demonstrates that the requester’s examination and/or copying of public records:
 - Is likely to contribute significantly to the public’s understanding of the operations or activities of the government; and
 - Is not primarily in the individual interest of the requester including, but not limited to, the requester’s interest in litigation in which the requester is or may become a party; and
 - Will not occur if fees are charged because the requester has insufficient financial resources to pay such fees.
- b. The requester must meet and demonstrate all three (3) of these criteria to be eligible for a fee waiver. The requester must provide detailed information to support a request for a fee waiver.

10. Examination Fees

No charge will be made for examination of records by a requester during normal University office hours. However, if a requester seeks to examine public records outside of normal office hours, and that person is available to accommodate the non-working hours request, then the actual compensation of the Custodian of Public Records, or their designee, must be paid by the requester before, or at the time of the examination, in addition to any incurred copying or labor costs.

11. Denial of Examination and Copy

The university's Public Records Coordinator may determine that a record requested in accordance with this policy is exempt from disclosure under applicable law. If a denial or partial denial of a request for examination is made, the denial must include the rationale for the decision, the appeal rights of the requester, and notification concerning attorney review of the request or lack thereof.

12. Removal of Records during Examination

Records are not to be removed from the place designated for the inspection unless the Custodian of Records specifically agrees otherwise.

13. Forms

Public Records Request Form

<https://www.boisestate.edu/communicationsandmarketing/communications/records-requests/public-records-request/>

Revision History

July 1995; October 2007; April 07, 2022