

**Idaho Department of  
Juvenile Corrections  
Administrative  
Policy/Procedure**

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SUBJECT: PUBLIC RECORDS

ORIGIN:

LEGAL SERVICES

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**Policy**

The Idaho Public Records Act (the Act) codified at Idaho Code, Title 74, Chapter 1, sets forth a person's legal right to examine and copy public records in Idaho. The intent of the Act is to make all records maintained by public agencies open to the public for inspection and copying at all reasonable times, unless the information is specifically exempted from disclosure by law.

It is therefore the policy of the Idaho Department of Juvenile Corrections (IDJC) to provide access to, and copies of, records as required by the Act.

**Operating Procedures**

I. Public Records

- A. Public records include, but are not limited to, any existing writing containing information relating to the conduct or administration of the public's business, prepared, owned, used or retained by a public agency regardless of physical form or characteristics.
- B. It is presumed that all public records are open at all reasonable times for inspection, except as otherwise expressly provided by statute.
- C. The Act does not obligate the IDJC to create a record in order to comply with a public records request. For example, the IDJC is not obligated to create or perform a statistical analysis in order to provide information that is requested in a public records request if that statistical information is not already contained in a writing.

II. Exemptions from Disclosure

- A. Records exempt from disclosure by the Act are specifically listed in sections 74-104 through 111, Idaho Code.
- B. Records may contain both exempt and nonexempt records. The Act prohibits denying access based upon the fact that the record contains both exempt and nonexempt records. The IDJC is responsible for supplying the nonexempt records, including any records requiring redaction.

- C. Even if an exemption applies to a record, the law may allow disclosure of statistical information that does not identify any particular person.

### III. Designated Records Custodians

- A. The following IDJC employees are designated as official custodians of IDJC records for the purposes of this policy:
  - 1. Director,
  - 2. Division Administrators,
  - 3. Records officer and
  - 4. Central records custodian.
- B. Designated records custodians may delegate in order to more efficiently process public records requests.

### IV. Public Records Requests

- A. Requests for records that are regularly or routinely provided to the public in the course, scope, and furtherance of the IDJC's responsibilities are not required to be in writing. These records would include brochures or other literature provided to the public, or similar records.
  - 1. The records officer should specifically identify all public records, which are routinely and regularly provided to the public in the course and scope of the IDJC.
  - 2. A list identifying these records will be maintained by the records officer and posted to the Intranet and public website.
- B. Requests for records that are not regularly or routinely provided to the public **must** be made in writing. The requestor will be asked to complete the Request for Public Records (DJC-049) form. If the form is not used, any written request should include the following information:
  - 1. Name of person requesting the records,
  - 2. Mailing address,
  - 3. E-mail address, and
  - 4. Telephone number.
- C. All written requests for records will be immediately forwarded to a designated records custodian to be handled, with consultation from the Deputy Attorney General, as required under the Act, Idaho Code, Title 74, Chapter 1.

*Reference:*                    [Glossary of Terms and Acronyms](#)  
*Idaho Code, Title 74, Chapter 1*  
*Office of the Attorney General Idaho Public Records Law Manual*  
*Family Education Right and Privacy Act (FERPA)*  
*Retention Schedules*  
*Health Insurance Portability and Accountability Act of 1996 (HIPAA).*

*Related Policies:*        [Confidentiality/Privacy \(328\)](#)  
[Control and Maintenance of Case Management Files \(663\)](#)  
[Management of Educational Records \(505\)](#)  
[Disclosure of Juvenile Health Information \(840\)](#)  
[Records Management Program \(117\)](#)

*Related Forms:*        [Request for Public Records \(DJC-049\)](#)  
[Records Destruction Log \(DJC-279\)](#)