

STATEMENT OF PURPOSE

RS20638

Idaho's public records law authorizes government entities to charge fees to cover the costs of responding to public records requests and requires that such fees be waived if a requester can show either the "inability to pay" or that the public's interest in understanding government will "suffer" if the requester is required to pay. Waiving fees for requests that require large numbers of documents can impose substantial financial burdens on government entities. Under the current law, fee waivers may be required for requests that are not truly in the public interest and government entities may have difficulty determining whether a requester qualifies for a fee exemption.

This legislation clarifies the law's fee provisions by: (1) authorizing government entities to help requesters narrow the scope of requests; (2) providing that no fee may be charged for the first one hundred pages or the first two hours of labor in responding to a request; (3) requiring fee waivers only for requests that serve the public's interest in understanding government operations; (4) limiting the rate that may be charged for labor; (5) requiring public entities to itemize fee statements; (6) prohibiting requesters from segregating their public records requests in order to avoid paying fees and (7) specifying the maximum amount of an advance fee payment that a requester may be required to pay.

This legislation does not affect a government entity's obligation to provide and copy public records for requesters who pay for the costs of their requests, nor does it affect the ability of an individual, news organization or other organization to obtain a fee waiver if they can demonstrate that the request will contribute significantly to the public's understanding of government.

FISCAL NOTE

There is no fiscal impact to the general fund.

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