

IN THE SENATE

SENATE BILL NO. 1274, As Amended

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO PUBLIC RECORDS; AMENDING SECTION 74-101, IDAHO CODE, TO REVISE
2 THE DEFINITION OF "CUSTODIAN"; AMENDING SECTION 74-102, IDAHO CODE, TO
3 PROVIDE THAT A PUBLIC AGENCY, ELECTED OFFICIAL OR INDEPENDENT PUBLIC
4 BODY CORPORATE AND POLITIC SHALL DESIGNATE A CUSTODIAN OR CUSTODIANS
5 FOR ALL PUBLIC RECORDS; AMENDING SECTION 74-106, IDAHO CODE, TO PROVIDE
6 THAT BONUSES, SEVERANCE PACKAGES, OTHER COMPENSATION OR VOUCHERED AND
7 UNVOUCHERED EXPENSES FOR WHICH REIMBURSEMENT WAS PAID TO A PUBLIC OFFI-
8 CIAL ARE NOT EXEMPT FROM DISCLOSURE AND TO PROVIDE THAT SOCIAL SECURITY
9 NUMBERS AND DRIVER'S LICENSE NUMBERS SHALL BE EXEMPT FROM DISCLOSURE;
10 AND AMENDING SECTION 74-119, IDAHO CODE, TO PROVIDE THAT PUBLIC AGEN-
11 CIES SHALL DESIGNATE AT LEAST ONE PERSON AS CUSTODIAN TO RECEIVE PUBLIC
12 RECORDS REQUESTS AND SHALL PROVIDE AN ALTERNATE CUSTODIAN OR ALTERNATE
13 CUSTODIANS FOR CONTINGENCIES.
14

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

16 SECTION 1. That Section 74-101, Idaho Code, be, and the same is hereby
17 amended to read as follows:

18 74-101. DEFINITIONS. As used in this chapter:

19 (1) "Applicant" means any person formally seeking a paid or volunteer
20 position with a public agency. "Applicant" does not include any person seek-
21 ing appointment to a position normally filled by election.

22 (2) "Copy" means transcribing by handwriting, photocopying, duplicat-
23 ing machine and reproducing by any other means so long as the public record is
24 not altered or damaged.

25 (3) "Custodian" means the person or persons having personal custody and
26 control of the public records in question. ~~If no such designation is made~~
27 ~~by the public agency or independent public body corporate and politic, then~~
28 ~~eustodian means any public official having custody of, control of, or autho-~~
29 ~~rized access to public records and includes all delegates of such officials,~~
30 ~~employees or representatives.~~

31 (4) "Independent public body corporate and politic" means the Idaho
32 housing and finance association as created in chapter 62, title 67, Idaho
33 Code.

34 (5) "Inspect" means the right to listen, view and make notes of public
35 records as long as the public record is not altered or damaged.

36 (6) "Investigatory record" means information with respect to an iden-
37 tifiable person, group of persons or entities compiled by a public agency or
38 independent public body corporate and politic pursuant to its statutory au-
39 thority in the course of investigating a specific act, omission, failure to
40 act, or other conduct over which the public agency or independent public body
41 corporate and politic has regulatory authority or law enforcement author-
42 ity.

1 (7) "Law enforcement agency" means any state or local agency given law
2 enforcement powers or which has authority to investigate, enforce, prose-
3 cute or punish violations of state or federal criminal statutes, ordinances
4 or regulations.

5 (8) "Local agency" means a county, city, school district, municipal
6 corporation, district, public health district, political subdivision, or
7 any agency thereof, or any committee of a local agency, or any combination
8 thereof.

9 (9) "Person" means any natural person, corporation, partnership, firm,
10 association, joint venture, state or local agency or any other recognized
11 legal entity.

12 (10) "Prisoner" means a person who has been convicted of a crime and is
13 either incarcerated or on parole for that crime or who is being held in cus-
14 tody for trial or sentencing.

15 (11) "Public agency" means any state or local agency as defined in this
16 section.

17 (12) "Public official" means any state, county, local district, inde-
18 pendent public body corporate and politic or governmental official or em-
19 ployee, whether elected, appointed or hired.

20 (13) "Public record" includes, but is not limited to, any writing con-
21 taining information relating to the conduct or administration of the pub-
22 lic's business prepared, owned, used or retained by any state agency, in-
23 dependent public body corporate and politic or local agency regardless of
24 physical form or characteristics.

25 (14) "Requester" means the person requesting examination and/or copy-
26 ing of public records pursuant to section 74-102, Idaho Code.

27 (15) "State agency" means every state officer, department, division,
28 bureau, commission and board or any committee of a state agency including
29 those in the legislative or judicial branch, except the state militia and the
30 Idaho state historical society library and archives.

31 (16) "Writing" includes, but is not limited to, handwriting, typewrit-
32 ing, printing, photostating, photographing and every means of recording,
33 including letters, words, pictures, sounds or symbols or combination
34 thereof, and all papers, maps, magnetic or paper tapes, photographic films
35 and prints, magnetic or punched cards, discs, drums or other documents.

36 SECTION 2. That Section 74-102, Idaho Code, be, and the same is hereby
37 amended to read as follows:

38 74-102. PUBLIC RECORDS -- RIGHT TO EXAMINE. (1) Every person has a
39 right to examine and take a copy of any public record of this state and there
40 is a presumption that all public records in Idaho are open at all reasonable
41 times for inspection except as otherwise expressly provided by statute.

42 (2) The right to copy public records shall include the right to make
43 photographs or photographic or other copies while the records are in the pos-
44 session of the custodian of the records using equipment provided by the pub-
45 lic agency or independent public body corporate and politic or using equip-
46 ment designated by the custodian.

47 (3) Additionally, the custodian of any public record shall give the
48 person, on demand, a certified copy of it if the record is of a nature permit-

1 ting such copying or shall furnish reasonable opportunity to inspect or copy
2 such record.

3 (4) A public agency or independent public body corporate and politic
4 may require that a request for public records be submitted to it in a writ-
5 ing that provides the requester's name, mailing address, e-mail address and
6 telephone number. A request for public records and delivery of the public
7 records may be made by electronic mail.

8 (5) The custodian shall make no inquiry of any person who requests a
9 public record, except:

10 (a) To verify the identity of the requester in accordance with section
11 74-113, Idaho Code; or

12 (b) To ensure that the requested record or information will not be
13 used for purposes of a mailing or telephone list prohibited by section
14 74-120, Idaho Code, or as otherwise provided by law; or

15 (c) As required for purposes of protecting personal information from
16 disclosure under chapter 2, title 49, Idaho Code, and federal law.

17 (6) The custodian shall not review, examine or scrutinize any copy,
18 photograph or memoranda in the possession of any such person and shall extend
19 to the person all reasonable comfort and facility for the full exercise of
20 the right granted under this act.

21 (7) Nothing herein contained shall prevent the custodian from main-
22 taining such vigilance as is required to prevent alteration of any public
23 record while it is being examined.

24 (8) Examination of public records under the authority of this section
25 must be conducted during regular office or working hours unless the custo-
26 dian shall authorize examination of records in other than regular office or
27 working hours. In this event, the persons designated to represent the cus-
28 todian during such examination shall be entitled to reasonable compensation
29 to be paid to them by the public agency or independent public body corporate
30 and politic having custody of such records, out of funds provided in advance
31 by the person examining such records, at other than regular office or working
32 hours.

33 (9) The public agency or independent public body corporate and politic
34 may provide the requester information to help the requester narrow the scope
35 of the request or to help the requester make the request more specific when
36 the response to the request is likely to be voluminous or require payment as
37 provided in subsection (10) of this section.

38 (10) (a) Except for fees that are authorized or prescribed under other
39 provisions of Idaho law, no fee shall be charged for the first two (2)
40 hours of labor in responding to a request for public records, or for
41 copying the first one hundred (100) pages of paper records that are re-
42 quested.

43 (b) A public agency or independent public body corporate and politic or
44 public official may establish fees to recover the actual labor and copy-
45 ing costs associated with locating and copying documents if:

46 (i) The request is for more than one hundred (100) pages of paper
47 records; or

48 (ii) The request includes records from which nonpublic informa-
49 tion must be deleted; or

1 (iii) The actual labor associated with responding to requests for
2 public records in compliance with the provisions of this chapter
3 exceeds two (2) person hours.

4 (c) A public agency or independent public body corporate and politic or
5 public official may establish a copying fee schedule. The fee may not
6 exceed the actual cost to the agency of copying the record if another fee
7 is not otherwise provided by law.

8 (d) For providing a duplicate of a computer tape, computer disc, mi-
9 crofilm or similar or analogous record system containing public record
10 information, a public agency or independent public body corporate and
11 politic or public official may charge a fee, uniform to all persons that
12 does not exceed the sum of the following:

13 (i) The agency's direct cost of copying the information in that
14 form;

15 (ii) The standard cost, if any, for selling the same information
16 in the form of a publication;

17 (iii) The agency's cost of conversion, or the cost of conversion
18 charged by a third party, if the existing electronic record is con-
19 verted to another electronic form.

20 (e) Fees shall not exceed reasonable labor costs necessarily incurred
21 in responding to a public records request. Fees, if charged, shall re-
22 flect the personnel and quantity of time that are reasonably necessary
23 to process a request. Fees for labor costs shall be charged at the per
24 hour pay rate of the lowest paid administrative staff employee or pub-
25 lic official of the public agency or independent public body corporate
26 and politic who is necessary and qualified to process the request. If
27 a request requires redactions to be made by an attorney who is employed
28 by the public agency or independent public body corporate and politic,
29 the rate charged shall be no more than the per hour rate of the lowest
30 paid attorney within the public agency or independent public body cor-
31 porate and politic who is necessary and qualified to process the public
32 records request. If a request is submitted to a public agency or inde-
33 dependent public body corporate and politic that does not have an attorney
34 on staff, and requires redactions by an attorney, the rate shall be no
35 more than the usual and customary rate of the attorney who is retained by
36 the public agency or independent public body corporate and politic for
37 that purpose.

38 (f) The public agency or independent public body corporate and politic
39 shall not charge any cost or fee for copies or labor when the requester
40 demonstrates that the requester's examination and/or copying of public
41 records:

42 (i) Is likely to contribute significantly to the public's under-
43 standing of the operations or activities of the government;

44 (ii) Is not primarily in the individual interest of the requester
45 including, but not limited to, the requester's interest in litiga-
46 tion in which the requester is or may become a party; and

47 (iii) Will not occur if fees are charged because the requester has
48 insufficient financial resources to pay such fees.

49 (g) Statements of fees by a public agency or independent public body
50 corporate and politic shall be itemized to show the per page costs for

1 copies, and hourly rates of employees and attorneys involved in re-
 2 sponding to the request, and the actual time spent on the public records
 3 request. No lump sum costs shall be assigned to any public records re-
 4 quest.

5 (11) A requester may not file multiple requests for public records
 6 solely to avoid payment of fees. When a public agency or independent public
 7 body corporate and politic reasonably believes that one (1) or more re-
 8 questers is segregating a request into a series of requests to avoid payment
 9 of fees authorized pursuant to this section, the public agency or inde-
 10 pendent public body corporate and politic may aggregate such requests and
 11 charge the appropriate fees. The public agency or independent public body
 12 corporate and politic may consider the time period in which the requests have
 13 been made in its determination to aggregate the related requests. A public
 14 agency or independent public body corporate and politic shall not aggregate
 15 multiple requests on unrelated subjects from one (1) requester.

16 (12) The custodian may require advance payment of fees authorized by
 17 this section. Any money received by the public agency or independent pub-
 18 lic body corporate and politic shall be credited to the account for which
 19 the expense being reimbursed was or will be charged, and such funds may be
 20 expended by the agency as part of its appropriation from that fund. Any por-
 21 tion of an advance payment in excess of the actual costs of labor and copying
 22 incurred by the agency in responding to the request shall be returned to the
 23 requester.

24 (13) A public agency or independent public body corporate and politic
 25 shall not prevent the examination or copying of a public record by contract-
 26 ing with a nongovernmental body to perform any of its duties or functions.

27 (14) Nothing contained herein shall prevent a public agency or indepen-
 28 dent public body corporate and politic from disclosing statistical informa-
 29 tion that is descriptive of an identifiable person or persons, unless pro-
 30 hibited by law.

31 (15) Nothing contained herein shall prevent a public agency or inde-
 32 pendent public body corporate and politic from providing a copy of a public
 33 record in electronic form if the record is available in electronic form and
 34 if the person specifically requests an electronic copy.

35 (16) A public agency, elected official or independent public body cor-
 36 porate and politic shall designate a custodian or custodians for all public
 37 records, which includes any public official having custody of, control of,
 38 or authorized access to public records and also includes all delegates of
 39 such officials, employees or representatives.

40 SECTION 3. That Section 74-106, Idaho Code, be, and the same is hereby
 41 amended to read as follows:

42 74-106. RECORDS EXEMPT FROM DISCLOSURE -- PERSONNEL RECORDS, PER-
 43 SONAL INFORMATION, HEALTH RECORDS, PROFESSIONAL DISCIPLINE. The following
 44 records are exempt from disclosure:

45 (1) Except as provided in this subsection, all personnel records of
 46 a current or former public official other than the public official's pub-
 47 lic service or employment history, classification, pay grade and step,
 48 longevity, gross salary and salary history, including bonuses, severance
 49 packages, other compensation or vouchered and unvouchered expenses for

1 which reimbursement was paid, status, workplace and employing agency. All
2 other personnel information relating to a public employee or applicant
3 including, but not limited to, information regarding sex, race, marital
4 status, birth date, home address and telephone number, social security num-
5 ber, driver's license number, applications, testing and scoring materials,
6 grievances, correspondence and performance evaluations, shall not be dis-
7 closed to the public without the employee's or applicant's written consent.
8 Names of applicants to classified or merit system positions shall not be dis-
9 closed to the public without the applicant's written consent. Disclosure of
10 names as part of a background check is permitted. Names of the five (5) final
11 applicants to all other positions shall be available to the public. If such
12 group is less than five (5) finalists, then the entire list of applicants
13 shall be available to the public. A public official or authorized represen-
14 tative may inspect and copy his personnel records, except for material used
15 to screen and test for employment.

16 (2) Retired employees' and retired public officials' home addresses,
17 home telephone numbers and other financial and nonfinancial membership
18 records; active and inactive member financial and membership records and
19 mortgage portfolio loan documents maintained by the public employee retire-
20 ment system. Financial statements prepared by retirement system staff,
21 funding agents and custodians concerning the investment of assets of the
22 public employee retirement system of Idaho are not considered confidential
23 under this chapter.

24 (3) Information and records submitted to the Idaho state lottery for
25 the performance of background investigations of employees, lottery retail-
26 ers and major procurement contractors; audit records of lottery retailers,
27 vendors and major procurement contractors submitted to or performed by the
28 Idaho state lottery; validation and security tests of the state lottery for
29 lottery games; business records and information submitted pursuant to sec-
30 tions 67-7412(8) and (9) and 67-7421(8) and (9), Idaho Code, and such docu-
31 ments and information obtained and held for the purposes of lottery security
32 and investigative action as determined by lottery rules unless the public
33 interest in disclosure substantially outweighs the private need for protec-
34 tion from public disclosure.

35 (4) Records of a personal nature as follows:

36 (a) Records of personal debt filed with a public agency or independent
37 public body corporate and politic pursuant to law;

38 (b) Personal bank records compiled by a public depositor for the pur-
39 pose of public funds transactions conducted pursuant to law;

40 (c) Records of ownership of financial obligations and instruments of a
41 public agency or independent public body corporate and politic, such as
42 bonds, compiled by the public agency or independent public body corpo-
43 rate and politic pursuant to law;

44 (d) Records, with regard to the ownership of, or security interests in,
45 registered public obligations;

46 (e) Vital statistics records; and

47 (f) Military records as described in and pursuant to section 65-301,
48 Idaho Code.

49 (5) Information in an income or other tax return measured by items of
50 income or sales, which is gathered by a public agency for the purpose of ad-

1 ministering the tax, except such information to the extent disclosed in a
2 written decision of the tax commission pursuant to a taxpayer protest of a
3 deficiency determination by the tax commission, under the provisions of sec-
4 tion 63-3045B, Idaho Code.

5 (6) Records of a personal nature related directly or indirectly to the
6 application for and provision of statutory services rendered to persons
7 applying for public care for people who are elderly, indigent or have mental
8 or physical disabilities, or participation in an environmental or a public
9 health study, provided the provisions of this subsection making records
10 exempt from disclosure shall not apply to the extent that such records or
11 information contained in those records are necessary for a background check
12 on an individual that is required by federal law regulating the sale of
13 firearms, guns or ammunition.

14 (7) Employment security information, except that a person may agree,
15 through written, informed consent, to waive the exemption so that a third
16 party may obtain information pertaining to the person, unless access to the
17 information by the person is restricted by subsection (3) (a), (3) (b) or
18 (3) (d) of section 74-113, Idaho Code. Notwithstanding the provisions of
19 section 74-113, Idaho Code, a person may not review identifying information
20 concerning an informant who reported to the department of labor a suspected
21 violation by the person of the employment security law, chapter 13, title 72,
22 Idaho Code, under an assurance of confidentiality. As used in this section
23 and in chapter 13, title 72, Idaho Code, "employment security information"
24 means any information descriptive of an identifiable person or persons that
25 is received by, recorded by, prepared by, furnished to or collected by the
26 department of labor or the industrial commission in the administration of
27 the employment security law.

28 (8) Any personal records, other than names, business addresses and
29 business phone numbers, such as parentage, race, religion, sex, height,
30 weight, tax identification and social security numbers, financial worth or
31 medical condition submitted to any public agency or independent public body
32 corporate and politic pursuant to a statutory requirement for licensing,
33 certification, permit or bonding.

34 (9) Unless otherwise provided by agency rule, information obtained as
35 part of an inquiry into a person's fitness to be granted or retain a license,
36 certificate, permit, privilege, commission or position, private associa-
37 tion peer review committee records authorized in title 54, Idaho Code. Any
38 agency which has records exempt from disclosure under the provisions of this
39 subsection shall annually make available a statistical summary of the number
40 and types of matters considered and their disposition.

41 (10) The records, findings, determinations and decisions of any prelit-
42 igation screening panel formed under chapters 10 and 23, title 6, Idaho Code.

43 (11) Complaints received by the board of medicine and investigations
44 and informal proceedings, including informal proceedings of any committee
45 of the board of medicine, pursuant to chapter 18, title 54, Idaho Code, and
46 rules adopted thereunder.

47 (12) Records of the department of health and welfare or a public health
48 district that identify a person infected with a reportable disease.

49 (13) Records of hospital care, medical records, including prescrip-
50 tions, drug orders, records or any other prescription information that

1 specifically identifies an individual patient, prescription records main-
2 tained by the board of pharmacy under sections 37-2726 and 37-2730A, Idaho
3 Code, records of psychiatric care or treatment and professional counseling
4 records relating to an individual's condition, diagnosis, care or treat-
5 ment, provided the provisions of this subsection making records exempt from
6 disclosure shall not apply to the extent that such records or information
7 contained in those records are necessary for a background check on an indi-
8 vidual that is required by federal law regulating the sale of firearms, guns
9 or ammunition.

10 (14) Information collected pursuant to the directory of new hires act,
11 chapter 16, title 72, Idaho Code.

12 (15) Personal information contained in motor vehicle and driver records
13 that is exempt from disclosure under the provisions of chapter 2, title 49,
14 Idaho Code.

15 (16) Records of the financial status of prisoners pursuant to subsec-
16 tion (2) of section 20-607, Idaho Code.

17 (17) Records of the Idaho state police or department of correction re-
18 ceived or maintained pursuant to section 19-5514, Idaho Code, relating to
19 DNA databases and databanks.

20 (18) Records of the department of health and welfare relating to a sur-
21 vey, resurvey or complaint investigation of a licensed nursing facility
22 shall be exempt from disclosure. Such records shall, however, be subject to
23 disclosure as public records as soon as the facility in question has received
24 the report, and no later than the fourteenth day following the date that
25 department of health and welfare representatives officially exit the facil-
26 ity pursuant to federal regulations. Provided however, that for purposes
27 of confidentiality, no record shall be released under this section which
28 specifically identifies any nursing facility resident.

29 (19) Records and information contained in the registry of immunizations
30 against childhood diseases maintained in the department of health and wel-
31 fare, including information disseminated to others from the registry by the
32 department of health and welfare.

33 (20) Records of the Idaho housing and finance association (IHFA) relat-
34 ing to the following:

35 (a) Records containing personal financial, family, health or similar
36 personal information submitted to or otherwise obtained by the IHFA;

37 (b) Records submitted to or otherwise obtained by the IHFA with regard
38 to obtaining and servicing mortgage loans and all records relating to
39 the review, approval or rejection by the IHFA of said loans;

40 (c) Mortgage portfolio loan documents;

41 (d) Records of a current or former employee other than the employee's
42 duration of employment with the association, position held and loca-
43 tion of employment. This exemption from disclosure does not include the
44 contracts of employment or any remuneration, including reimbursement
45 of expenses, of the executive director, executive officers or commis-
46 sioners of the association. All other personnel information relating
47 to an association employee or applicant including, but not limited to,
48 information regarding sex, race, marital status, birth date, home ad-
49 dress and telephone number, applications, testing and scoring materi-
50 als, grievances, correspondence, retirement plan information and per-

1 performance evaluations, shall not be disclosed to the public without the
2 employee's or applicant's written consent. An employee or authorized
3 representative may inspect and copy that employee's personnel records,
4 except for material used to screen and test for employment or material
5 not subject to disclosure elsewhere in the Idaho public records act.

6 (21) Records of the department of health and welfare related to child
7 support services in cases in which there is reasonable evidence of domestic
8 violence, as defined in chapter 63, title 39, Idaho Code, that can be used
9 to locate any individuals in the child support case except in response to a
10 court order.

11 (22) Records of the Idaho state bar lawyer assistance program pursuant
12 to chapter 49, title 54, Idaho Code, unless a participant in the program au-
13 thORIZES the release pursuant to subsection (4) of section 54-4901, Idaho
14 Code.

15 (23) Records and information contained in the trauma registry created
16 by chapter 20, title 57, Idaho Code, together with any reports, analyses and
17 compilations created from such information and records.

18 (24) Records contained in the court files, or other records prepared as
19 part of proceedings for judicial authorization of sterilization procedures
20 pursuant to chapter 39, title 39, Idaho Code.

21 (25) The physical voter registration application on file in the county
22 clerk's office; however, a redacted copy of said application shall be made
23 available consistent with the requirements of this section. Information
24 from the voter registration application maintained in the statewide voter
25 registration database, including age, will be made available except for
26 the voter's driver's license number, date of birth and, upon a showing that
27 the voter comes within the provisions of subsection (30) of this section or
28 upon showing of good cause by the voter to the county clerk in consultation
29 with the county prosecuting attorney, the physical residence address of the
30 voter. For the purposes of this subsection good cause shall include the pro-
31 tection of life and property and protection of victims of domestic violence
32 and similar crimes.

33 (26) File numbers, passwords and information in the files of the health
34 care directive registry maintained by the secretary of state under section
35 39-4515, Idaho Code, are confidential and shall not be disclosed to any per-
36 son other than to the person who executed the health care directive or the re-
37 vocation thereof and that person's legal representatives, to the person who
38 registered the health care directive or revocation thereof, and to physi-
39 cians, hospitals, medical personnel, nursing homes, and other persons who
40 have been granted file number and password access to the documents within
41 that specific file.

42 (27) Records in an address confidentiality program participant's file
43 as provided for in chapter 57, title 19, Idaho Code, other than the address
44 designated by the secretary of state, except under the following circum-
45 stances:

46 (a) If requested by a law enforcement agency, to the law enforcement
47 agency; or

48 (b) If directed by a court order, to a person identified in the order.

49 (28) Except as otherwise provided by law relating to the release of in-
50 formation to a governmental entity or law enforcement agency, any personal

1 information including, but not limited to, names, personal and business ad-
2 dresses and phone numbers, sex, height, weight, date of birth, social secu-
3 rity and driver's license numbers, or any other identifying numbers and/or
4 information related to any Idaho fish and game licenses, permits and tags un-
5 less written consent is obtained from the affected person.

6 (29) Documents and records related to alternatives to discipline that
7 are maintained by the Idaho board of veterinary medicine under the provi-
8 sions of section 54-2118(1)(b), Idaho Code, provided the requirements set
9 forth therein are met.

10 (30) The Idaho residential street address and telephone number of an
11 eligible law enforcement officer and such officer's residing household mem-
12 ber(s) as provided for in chapter 58, title 19, Idaho Code, except under the
13 following circumstances:

14 (a) If directed by a court order, to a person identified in the court
15 order;

16 (b) If requested by a law enforcement agency, to the law enforcement
17 agency;

18 (c) If requested by a financial institution or title company for busi-
19 ness purposes, to the requesting financial institution or title com-
20 pany; or

21 (d) If the law enforcement officer provides written permission for dis-
22 closure of such information.

23 (31) All information exchanged between the Idaho transportation de-
24 partment and insurance companies, any database created, all information
25 contained in the verification system and all reports, responses or other
26 information generated for the purposes of the verification system, pursuant
27 to section 49-1234, Idaho Code.

28 (32) Nothing in this section shall prohibit the release of information
29 to the state controller as the state social security administrator as pro-
30 vided in section 59-1101A, Idaho Code.

31 (33) Personal information including, but not limited to, property val-
32 ues, personal and business addresses, phone numbers, dates of birth, social
33 security and driver's license numbers or any other identifying numbers or
34 information maintained by the administrator of the unclaimed property law
35 set forth in chapter 5, title 14, Idaho Code. Nothing in this subsection
36 shall prohibit the release of names, last known city of residence, property
37 value ranges and general property information by the administrator for the
38 purpose of reuniting unclaimed property with its owner.

39 (34) Any personal information collected by the secretary of state, pur-
40 suant to section 67-906(1)(b), Idaho Code, for the purpose of allowing indi-
41 viduals to access the statewide electronic filing system authorized in sec-
42 tion 67-906, Idaho Code.

43 SECTION 4. That Section 74-119, Idaho Code, be, and the same is hereby
44 amended to read as follows:

45 74-119. AGENCY GUIDELINES. By January 1, 2016~~9~~, every state agency
46 or independent public body corporate and politic shall adopt guidelines
47 that identify the general subject matter of all public records kept or main-
48 tained by the state agency or independent public body corporate and politic,
49 the custodian or custodians, and the physical location of such documents.

1 Public agencies shall designate at least one (1) person as custodian to re-
2 ceive public records requests and shall provide an alternate custodian or
3 alternate custodians for contingencies.