

Public Record Requests
Meeting Minutes
October 20, 2014

Attendance:

Becky Boone	Betsy Russell	Brian Kane
Cally Younger	Cynthia Sewell	Daniel Chadwick
Dan Blocksom	Jeremy Pisca	Lorna Jorgensen
Seth Grigg		

Agenda

1. Ombudsman overview by Brian Kane
2. Brainstorm
3. Next meeting discussions

Discussion

1. Ombudsman overview presentation, Brian Kane
 - a. Overview of four different state examples; Washington, Utah, Iowa and New York
 - i. Washington**
 1. A part of the Attorney General's office, Assistant Attorney General for Open Government
 2. An informal advice based opinion is given but not required before litigation
 3. Was not originally statutory but it is now
 4. A passive approach
 - ii. Utah**
 1. Ombudsman appointed by State Archivist
 2. Similar to Washington, provides a 2nd opinion service on denials/responses but not required before litigation
 3. Issues an annual report
 4. Able to mediate disputes between parties
 5. Utah also has a state records committee
 - iii. New York**
 1. Committee on open government, under the Department of State, oversees and advises the government, public, and news media on public records, open meetings, and personal privacy laws by providing informal guidance.

2. Committee issues written legal advisory opinions and an annual report
3. There are 11 members and an executive director

iv. Iowa

1. Two levels; ombudsman and Iowa Public Information Board
 2. Ombudsman is not restricted to public record requests, also deals with general government complaints
 3. Informal dispute resolution
 4. The Iowa Public Information Board consists of 9 committee members; 3 media representatives, 3 local government representatives, and 3 wild-cards
 5. Iowa model has substantial enforcement ability
 6. Iowa was the most sophisticated model of the four discussed
- b. More research for retention policies of each state were suggested
 - c. How to go about obtaining an ombudsman committee also suggested

2. Brainstorm

- a. What do we want/need in Idaho and how do we go about this process?
 - i. Brian mentions working for a new statutory title with multiple chapters that include but are not limited to; public record requests, open meetings, creation of an ombudsman/commission, and retention policies
 - ii. Questions on whether or not to try and create a statewide uniformed process on how to manage requests, responses, and denials
 - iii. Time is of concern if we want this to move forward this coming legislative session
 - iv. Goal is to aim for consensus from all parties, trying to make the process easier for everyone while keeping government transparent
 - v. Cally mentions how to decide between a single ombudsman versus a commission, may depend on workload regarding public records
 - vi. Want to try and make sure the process does not become more cumbersome for those involved
- b. Record Retention Policies
 - i. Need for a somewhat uniformed system throughout the state, counties, and localities
 - ii. Minimum standard of retention suggested
 - iii. Remember: email retention can be expensive for cities who have to purchase more storage space

- iv. General consensus that retention policy moves toward a more uniformed system throughout the state
 - c. Suggestions from interested parties
 - i. Multiple suggestions were presented during the discussion including those created by group members
 - ii. Suggestions will be emailed to Brian Kane and brought together again for the next meeting to discuss
 - iii. One major suggestion presented by multiple people included technological advances and public records and emphasized the importance of bringing modern technology into statute language to clear any confusion that might come up.
- 3. Next Meeting
 - a. Five major topics to discuss
 - i. City/county/state retention statutes
 - ii. Retitling and codifying public record requests/open meeting laws.
 - iii. Compiling all of the suggestions from interested parties
 - iv. Statutory language for creating an ombudsman and/or a commission
 - v. Meeting with the courts
 - b. Meeting minutes
 - i. Need to be approved then posted on to Governor's website
 - ii. Will now be the first order of business in each meeting
 - c. **Next meeting dates**
 - i. **Monday November 10, 2014 at 10:00am**
 - ii. **Monday November 24, 2014 at 10:00am (tentative)**