



The Office of the Governor

*Executive Department
State of Idaho*

*EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE*

*State Capitol
Boise*

EXECUTIVE ORDER NO. 2014-04

ESTABLISHING A PUBLIC RECORDS OMBUDSMAN WITHIN THE OFFICE OF THE GOVERNOR

WHEREAS, an open and transparent government is fundamental to the perpetual success of a republic; and

WHEREAS, every person has a right to examine and take a copy of any public record of this state and there is a presumption that all public records in Idaho are open at all reasonable times for inspection except as otherwise expressly provided by statute; and

WHEREAS, our citizens, in creating the instruments of government that serve them, do not yield sovereignty to the agencies so created; and

WHEREAS, resolution of disputes through the courts between state agencies and citizens requesting public information can be time consuming and costly; and

WHEREAS, the Office of the Governor wants to lead by example in establishing a Public Records Ombudsman and encourages units of local government to evaluate and if appropriate implement a similar process;

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me by the Constitution and laws of the State of Idaho do hereby order:

- 1. The creation of the "Idaho Public Records Ombudsman" ("Ombudsman") within the Office of the Governor;*
- 2. The Governor shall appoint the public records Ombudsman, who shall be an attorney duly licensed to practice law in the state of Idaho and serve at the pleasure of the Governor;*
- 3. The Ombudsman shall:*
 - a. Ensure all executive branch agencies', departments' and offices' ("agency or agencies") policies and practices concerning public record disclosure are consistent;*
 - b. Collect information concerning the number of denials by agency, reasons for denying the request, costs associated with every request received by an agency (including denials and approvals) and total costs of compliance with the public records act by agency;*
 - c. Compile concerns and complaints from individuals about agency policies, processes and decisions denying access to public records, and maintain a repository of concerns and complaints;*
 - d. Provide a report to the Governor on an annual basis with the information gathered under this executive order, which will be made public no later than December 30;*
 - e. Work with agencies, stakeholders and the public to provide recommendations to the Governor for improving public record disclosure policies and laws, including but not*

limited to, legislation to incorporate a review process at the state and local level prior to or in lieu of litigation; and

4. This executive order shall only apply to agencies, boards, commissions, departments and offices of the executive branch of state government, including the office of the Governor. It shall not apply to other constitutional officers, their offices, the legislature or judiciary.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 23rd day of April in the year of our Lord two thousand and fourteen, and of the Independence of the United States of America the two hundred thirty-eight and of the Statehood of Idaho the one hundred twenty-fourth.

C.L. "BUTCH" OTTER
GOVERNOR

BEN YURSA
SECRETARY OF STATE