



IDAHO DEPARTMENT OF
HEALTH & WELFARE

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MEMORANDUM

TO: Cally Younger, Associate Counsel to the Governor

FROM: Heidi Graham, Human Resources Program Manager

DATE: August 20, 2014

SUBJECT: State Agency Public Records Questionnaire

Thank you for your interest in learning more about the Department's public records request process. The information you requested is included below, and in the noted attachments to this memorandum. Please feel free to contact me at 208-334-5617 should you have any questions. (The questions you posed are in bold text.)

1. **Please describe your current public records request process and policy for maintaining records that may be requested.** The process and policy are attached. Refer to Attachment 1 and 2.
 - a. **What are the issues, if any, you see with your current office process and policy?** The Department revised our process and policy late 2013.
 - b. **How could it be improved?** Currently, our public records requests are logged in an excel spreadsheet and then requests are emailed to the appropriate division. When the information is gathered, it is emailed back to our Public Records Custodian. Within the next year our process will be managed in SharePoint, which will improve efficiency. As a result, each request will continue to be tracked and automatic reminders will be sent to staff prompting them to process the request.

2. **How many public records requests did your agency receive in the calendar year 2013?** 880
 - a. **How many through May 2014?** 502

3. **Of those requests, how many were granted in full?** In 2013, 604 requests were granted in full. Thru May 30, 2014, 342 requests were granted in full. Refer to Attachment 3, Table #1 for more details.
 - a. **How many were denied in part?** In 2013, nine requests were partially denied. Thru May 30, 2014, one request has been partially denied. Refer to Attachment 3, Table #1 for more details.
 - b. **In full?** In 2013, 76 requests were denied. Thru May 30, 2014, eleven requests were denied. Refer to Attachment 3, Table #1 for more details.
4. **Do you have frequent requesters?** Yes.
5. **For each request, please provide the following information:**
 - a. **Type of record requested**
 - i. **How many of each type of record was requested in total for the year?** In 2013, there were seven types of requests. Thru May 30, 2014, there have been nine types of requests. Refer to Attachment 3, Table #2 for details.
 - b. **Granted/Denied in Part/Denied in Full**
 - i. **How many of each?** In 2013, 76 were denied in full and 9 were partially denied, for a total of 85 denials. Thru May 30, 2014, there have been eleven denials and one partial denial, for a total of 12 denials. Refer to Attachment 3, Table #1 for details.
 - c. **Reason for denial whether in whole or in part.** Refer to Attachment 3, Table #3.
 - d. **Time elapsed for response.** In 2013, 474 of the requests were processed within three days. Thru May 30, 2014, 264 of the requests were processed within three days. Refer to Attachment 3, Tables #4 and #4A for additional details.
 - e. **If the time elapsed was more than the statutory 3-day standard, why? Please explain.** Staff needed time to locate or research.
 - f. **If the time elapsed was more than the statutory extended 10-day standard, why? Please explain.** Refer to Tables #4 and #4A.
 - g. **What fees did you charge? Please itemize the charges-labor, copying fees, etc...** In 2013, we received \$1635.15 in fees related to public records requests. Thru May 30, 2014, we have received \$346.50. Refer to Attachment 3, Table #5 for details.

- h. **Did you provide the first 100 pages and first two hours of labor free, as required by statute?** Yes. **Why or why not?** It is required by statute.
- i. **Type of requester: individual, law firm, NPO, etc.** Refer to Attachment 3, Table #6 for details.
- j. **Volume of request?** Nothing too large.
- k. **Were records provided to the requester with redactions?** In 2013, 33 of the records were provided with redactions. Thru May 30, 2014, 17 records have been provided with redactions.
- i. **If so, please describe the extent of redactions and the labor cost charged for the redaction.** Refer to Tables #3; #4; and #5
- l. **In what medium were records provided?** Via mail, fax, E-mail, and picked-up by requestor. Refer to Attachment 3, Table #7 for details.
- m. **Did the requester dispute the decision?** Not that I know of.
- i. **If so, what was the outcome?** n/a
- ii. **Did the request go to court?** Not that I know of.
1. **If so, what was the outcome?** n/a
- iii. **What type of staffer responded to the records request?**
1. **Please list all.** Classifications of employees preparing the responses included:
- Technical Records Specialist I & II
 - Administrative Assistant I & II
 - Management Assistant
 - Program Manager
 - Program Specialist
 - Supervisor
 - Public Information Officer
- n. **Anything unusual about this request?** No.

cc: Richard Armstrong, Director, DHW

Public Records Requests

Individuals have always had a right to review and copy records maintained by the Department, subject to the provisions of the Idaho Public Records Act and state and federal laws that make records confidential. The Department's Administrative Procedures Section (APS) and designated staff (public records custodians) in Department offices receive and currently respond to public records requests.

Diagram of Public Records Request Process

DEFINITION:

Public Records Requests are requests by an individual or an agency to review and copy information that is maintained by the Department. Every record maintained by the Department is a public record and will be disclosed unless it is exempt from disclosure.

USE AND DISCLOSURE OF DEPARTMENT RECORDS IDAPA 16.05.01

006. Public Records ACT Compliance and Request.

Individuals have a right to review and copy records maintained by the Department, subject to the provisions of the Idaho Public Records Act, these rules, and state and federal laws that make records confidential. The Department's Administrative Procedures Section and designated custodians in Department offices receive and respond to public records requests. Non-identifying or non-confidential information provided to the public by the Department in the ordinary course of business is not required to be reviewed by a public records custodian. Original records must not be removed from the Department by individuals who make public records requests.

Note: The Public Records Act provides for an individual to "listen, view and make notes of [his] record as long as the public record is not altered or damaged," per Sections 9-337(4) and 9-342. Section 9-338 provides that: Everyone has a right to make a photograph or other copy of a public record using equipment provided by the agency or designated by the custodian. No inquiry is to be made about why the individual wants to see a record, except to verify identity, to ensure the information will not be used for a mailing or telephone list, or as provided by law. The individual may be required to provide a written request, name, mailing address and telephone number. The custodian is prohibited from reviewing any document in the individual's possession, and must extend "all reasonable comfort and facility" for the examination of the record, while maintaining "such vigilance as is required to prevent alteration" of the document.

Note: Vital Statistics records are exempt from disclosure under the Public Records Act. Access to such records, and copies or amendment of them, are governed entirely by statute.

EXAMPLES OF PUBLIC RECORD REQUESTS:

- Requests for statistics by county for all of Idaho on what percentage of residents receive Medicaid and what percentage of children receive CHIP.
- Requests for copies of RFP/Contracts that specifically deal with the rates for the development work provided in Phase I and II of the Development of the Institutional Database at Southwest Idaho Treatment Center (formally ISSH.)
- Requests for copies about complaints for Intermountain Hospital and St. Alphonsus Health System made to the Bureau of Facility Standards since Jan. 2010.

PUBLIC RECORDS REQUEST PROCESS OVERVIEW

Individuals or agencies may formally request information by submitting a written request to the Department either in person; fax to 208/ 639-5742; e-mail pr@dhw.idaho.gov or mail to: Public Records Request, P O Box 83720, Boise, Idaho 83720-0036.

1. The written request must detail the information requested.
2. Staff will receive requests from individuals or agencies for information retained by the department that is non-client specific information. This is a Public Records Request.
 - Requests for client-specific information are also requests for public records. They are processed using the Department's Records Request Process. [Click here.](#)
3. The staff member who has accepted the request can now forward the request to the Public Records Staff person in their geographic area.
4. Requested documents will be sent within 3 working days, per Idaho Public Records Act. The Department may extend the response time to 7 additional working days if the information requested cannot be located or retrieved within the original 3 days. A notification of an extension and the reason for the extension will be sent.

ACCEPT A REQUEST FOR PUBLIC RECORDS

VALIDATE AND DOCUMENT IDENTITY OF REQUESTER

Proof of identity *is not required* when the request does not relate to a specific individual.

VALIDATE AND DOCUMENT REQUESTER AUTHORITY

For requests to access records that do not relate to a specific individual, *verification of the Requester's authority is not required.*

- a. For Public Records Requests, verification of the requester's authority is not required, but is still tracked on the Request form.
- b. Locate the "For DHW Office use only" shaded box in the lower right hand corner of the form.
- c. Place your initials on the line that states: *Authority: Not Required.*
- d. Write the date next to your initials.

For requests to access records about a specific individual, refer to the Department's Records Request Process. [Click here.](#)

COMPILE RECORDS: PUBLIC RECORDS POINT OF CONTACT

FORMAL REQUESTS

1. Staff located in specific regional/program areas will be the Manual Retrievers of the information.

2. Public Records staff will determine from the Records Request Form where the record(s) requested are located by reviewing the information in the box on the form called *Detailed Description of Record Requested*.
3. Public Records staff will forward the request to the appropriate Public Records Point of Contact.

FEE FOR COPIES

On the Records Request form, the Requester can request to receive copies of the information they have requested.

- When the request is for over 100 pages, the fee will be 10¢ per page after the first 100 pages.
- Additional fees may also apply.

PUBLIC RECORDS ACT COMPLIANCE AND REQUESTS 16.05.01.00

PUBLIC RECORDS - RIGHT TO EXAMINE 9-338

a. Public Records. The Department charges fees as prescribed in law or rule. If there is no other requirement, the Department requires payment of \$.10 (ten cents) per page if a public records request is for more than one hundred (100) pages, or if confidential information must be deleted. The Department may require advance payment of these fees. Advance payment of estimated staff time is required if the request will take more than two (2) hours to copy documents, or the Department authorizes examination of documents outside of office hours. No charge will be made if the individual demonstrates the inability to pay, or that the public's interest or understanding of the operations or activities of government or its records, would suffer by the assessment or collection of any fee.

APPROVED REQUESTS

1. Approval Letter
2. If the Public Records Request is for more than 100 pages and/or other fees apply, the Public Records staff will send the [Approval Letter](#) which notifies the individual/agency that the request has been approved and that fees are due to the Department.

EXTENSION LETTER

The Public Records staff will respond to the request within 3 working days of receipt of the request. The response time may extend to 7 additional working days if the information requested cannot be located or retrieved within the original 3 days. The requester will be sent a [10 day notification](#) of an extension and the reason for the extension.

DENIED REQUESTS

A Public Records Request may be denied based upon DHW's Use and Disclosure Rules or Federal Regulations. Complete the [Legal Review form](#) for all Public Records Requests. A copy of the completed Legal Review form

goes to the requester and the Department keeps the original.

Note: When any portion of an individual's request for their **health** information is denied, consult with your local Privacy Specialist prior to finalizing the letter. This is because **some** denials may require information about how the individual can complain about the decision and/or request to have it reconsidered.

The following is a list of the denial reasons and the related Idaho Code Section.

REASON FOR DENIAL DUE TO EXEMPTION UNDER PUBLIC RECORDS	IDAHO CODE SECTION
Child Protection, youth rehabilitation, adoption or mental health records	9-340B (7)
Computer Program	9-340D(15)
Discovery	9-343(3)
Federal or State Regulation	9-340A(1)
Hospital, psychiatric, counseling or medical records	9-340C(13)
Investigatory record	9-340B(1)(7)
Personal licensing records or information	9-340C(8)(9)
Personnel records	9-340C(1)
Public Assistance Records, records relating to a handicap or relating to a public health study.	9-340C(6)
Re-bid of public project	9-340D(4)
Related to reportable disease	9-340C(12)
Trade secret, production records, appraisals, bids, proprietary information	9-340D(1)
Vital Statistics Record	9-340C(4)(e)

Department Of Health And Welfare's Policy For Handling Public Record Requests

Public Records Requests are requests by an individual or an agency to review and copy information that is maintained by the Department. Every record maintained by the Department is a public record and will be disclosed unless it is exempt from disclosure.

PROCESS OVERVIEW:

REQUESTS TO BE IN WRITING

Except for a member of the Idaho Legislature, all persons requesting access to DHW records shall be required to make a written request.

Non-identifying information such as brochures and statistical reports that the Department provides routinely are not involved in the public records process and should be provided without a public records request.

A public record request submitted by electronic mail or facsimile shall be deemed to be a written request.

Requests for client-specific information are requests for public records. They are processed using the Department's Records Request Process. [Click here](#).

PUBLIC COMMENT PACKAGES

Where DHW records are made available to the public for review during a public comment period, which is required by statute or regulation, members of the public are not required to make a public record request prior to reviewing the records on the public comment package. Unless prohibited by the controlling statute, a fee may be imposed for copies of records in a public comment package pursuant to this policy.

RESPONSE TIME

A public record request shall be deemed to be received on the date that a DHW employee receives a written request. If the request is submitted electronically, the date of the receipt shall be the date a DHW employee opens the electronic file. If a request is received after 3:30 pm, it will be deemed received the next business day.

DHW shall respond in writing to all public record requests within three (3) working days after the date that the request is received. The response shall grant the request, deny the request, or give notice that additional time is needed to complete the request. Public Record Custodians shall keep a file containing copies of all response letters sent to requestors.

If more than three (3) working days are required to retrieve or locate any requested records, an additional seven (7) working days may be taken to complete the request as long as the person making the request is notified in writing within three (3) working days of receipt of the request.

LOGGING IN THE REQUEST

All public record requests received by a DHW employee shall be promptly forwarded to the Department's Public Records Custodian/Coordinator (pr@dhw.idaho.gov) upon receipt. The Public Records Custodian/Coordinator shall log each request and ensure it is responded to by the Department.

In the event that a public record request involves more than one DHW Division or Regional Office, the Public Records Custodian/Coordinator shall coordinate one response with all involved parties.

INTER-OFFICE HANDLING OF REQUESTS

A public record request will be completed only at the DHW office to which the request is addressed unless:

- a. The Public Records Custodian/Coordinator handling the request has reason to believe that the information or additional information might be located at another Regional or Central DHW office; or
- b. The request specifically asks for the records that are at another DHW office.

In these cases, the request will be forwarded to the Public Records Custodian/Coordinator in that office for completion.

SCOPE OF THE REQUEST

A person making a public record request shall not be asked the reason for the request except to inquire whether the information will be used for a mailing or telephone list, or if additional information is needed for DHW to evaluate a request for a fee

waiver.

Where a request is broad or unclear, the DHW employee assigned to the request may contact the person making the request to determine if the person wants to narrow or clarify the scope of records sought. Any such conversations shall be documented in writing by the DHW employee and the documentation should be given to any other DHW section or office known to be handling the same request. If the scope or substance of a public record request is changed significantly by the person making the request before the request is filled by DHW, the person shall be encouraged to withdraw the original request and submit a new request or the changes to the original request will be documented in DHW's response to the requester.

A person may request to view or copy existing written documents and electronic files used, owned or retained by DHW that are available according to Idaho Code and Department rules. DHW will not prepare new documents in response to a public record request.

REQUESTS SUBMITTED BY AN ATTORNEY

When DHW receives a public record request from an attorney or law office, the Public Records Custodian shall forward a copy to the Attorney General's Office for review.

Communications To or From the Attorney General's Office, Division of Human Services, Department of Health and Welfare.

If a public record request potentially encompasses any communications to or from the Department's Attorney General's Office, an attorney review shall be sought before the request is filled or denied.

PERSONNEL INFORMATION

All requests for personnel information shall be routed through the DHW Human Resources Unit.

LISTS

Unless the persons whose names are on a list have given their consent for the list to be used as a telephone or mailing list, whenever a person submits a request to inspect or obtain a copy of a list that could potentially be used as a phone or mailing list, the Public Records Custodian shall ask whether the list will be used as a phone or mailing list. If the response is "yes", the request shall be denied in writing. If the response is "no", then the person making the request may inspect or obtain a copy of the list.

Before distribution, DHW employees shall place the following notice on any list that could potentially be used as a phone or mailing list that does not have the consent of the persons on the list: "**PLEASE NOTE, USE OF THIS LIST AS A MAILING LIST OR A TELEPHONE LIST IS PROHIBITED BY IDAHO CODE §9-348, AND IS PUNISHABLE BY A CIVIL PENALTY WITH A FINE UP TO \$1,000.**"

DENIALS OF PUBLIC RECORD REQUESTS

Certain records may be withheld from disclosure due to their confidential nature. The exceptions to a public record disclosure are described in the Idaho Public Records Law.

Anytime a person submitting a public record request is not allowed access to a document or any portion of a document which falls within the scope of the request, it is considered a denial. All non-routine denials must have attorney review.

All denials of a public record requests shall be in writing and shall include reference to:

- a. The specific statutory provision for which is the basis of the denial (see [Request to Examine and/or Copy Public Records form](#)) and;
- b. The requesting person's right to file an appeal within one hundred and eighty (180) days from the date of mailing of the notice of denial with the applicable District Court office.

Where possible, exempted portions of a record or document, or specific pages of a record or document, shall be removed or struck out so that the rest of the material can be provided to the person making the request. Notice of partial denial shall, in all respects, be made in the same manner as a complete denial.

Where a public record request is denied and the person who submitted the request subsequently asks for more detail regarding the nature of the documents withheld or the legal basis for the denial, the person shall be referred to the attorney who initially reviewed the denial for further handling.

Note: When any portion of an individual's request for their **health** information is denied, consult with your local Privacy Specialist prior to finalizing the letter. This is because **some** denials may require information about how the individual can complain about the decision and/or request to have it reconsidered.

ACTIVE ENFORCEMENT ACTIONS AND LITIGATION

Whenever a person submits a public record request for materials which consist of investigatory records related to an ongoing or pending enforcement action or litigation, an attorney review shall be sought before the request is filled or denied. Investigatory records include those records which, if disclosed, could compromise an ongoing investigation, enforcement action, or reveal a confidential source (including complainants who wish to be anonymous).

CONFIDENTIAL BUSINESS INFORMATION

Trade secret information submitted to or obtained by DHW and not otherwise required by federal or state law to be released, shall not be disclosed to the public. Trade secrets are records or information given to, submitted to, or otherwise obtained by DHW, which contain confidential business practices to which the disclosure of this information could cause economic or other competitive harm to the company who has marked the information trade secret. Upon receipt of a public record request, which includes within its scope, documents which might have trade secret information, attorney review shall be sought before the request is filled or denied.

However, DHW has adopted the Department of Administration's manual regarding bid proposals. This manual states that if an entire bid is marked "confidential" or "trade secret," the entire bid will become public record.
4/18/11

COPYING OF RECORDS

Where a request is voluminous, the person submitting the public record request shall be sent a letter indicating the charge or the person may arrange to visit the DHW office and examine the records in-house. See the below "Copying and Labor Fee Schedule" for additional information.

The agency is not required to provide copies (paper or electronic) of records in a form and format not used by the agency in the normal course of business. For example the agency need not alphabetize information upon request or engage the services of a computer programmer to provide the information in a format desired by the requesting party.

Where a requestor seeks information from DHW in a form and format not used by DHW in the normal course of business, the record shall not be provided in that form and format, unless it is determined by a DHW supervisor, with an attorney review, that a valid reason exists for providing that particular record to the public in the form and format requested. Under no circumstances shall a person be denied access to a record (paper or electronic) in a particular form and format when the record has been or will be made available to another member of the public in that form and format. DHW and the requester may agree upon some other form and format, if the information requested is not readily producible.

COPYING & LABOR FEE SCHEDULE - 9/13/13

IDAHO CODE REFERENCE	TYPE OF WORK INVOLVED	COSTS
9-338(10)(a)	Copying one-hundred (100) sheet pages or less on standard 8 1/2" x 11" paper.	No Charge
9-338(10)(b)(i)	Copying more than one-hundred (100) pages on standard 8 1/2" x 11" paper.	Actual copying costs of ten cents (\$.10) per page after the first 100.
9-338(10)	Where DHW has an out-of-pocket cost. Retrieval of archived information.	Actual out-of-pocket cost. Three dollars (\$3) per box, actual out of pocket cost.
	Health Information Request.	Fees cannot be assessed. 9/13/13
9-338(10)(b)(ii)	Request includes records from which non-public information must be deleted.	Actual costs up to twelve dollars (\$12) per hour plus ten cents (\$.10) per page.
	Health Information Requests.	Fees can be assessed for the actual cost of supplies, such as a portable media device. 9/13/13

		Fees cannot be assessed for:
9-338(10)(b)(iii)	Where actual labor associated with locating and photocopying/printing hard copy and/or electronic documents exceeds two (2) hours.	Actual costs up to twelve dollars (\$12) per hour. Actual costs up to eighteen dollars (\$18) per hour for researching and compiling information. Actual costs up to seventy-five dollars (\$75) per hour for electronic searches performed by Information Technology (IT) staff. Actual costs up to twenty-three dollars (\$23) per hour if a request requires legal review including redaction. 7/20/2012
	Health Information Requests.	Can assess fee to prepare an explanation/summary of the information, in excess of two (2) hours. Can assess fee for labor for copying, in excess of two (2) hours.
9-338(10)(d)(ii)	Where DHW has a standard charge for selling information in the form of a publication.	Standard cost for selling information in the form of a publication.

DHW may choose to have copies made by a commercial copy service in order to complete a public records request. In such cases, the person making the request shall be responsible for the cost charged by the commercial copying service.

The fees to be charged for providing records in the form of a tape, computer disk, compact disk (CD), microfilm or a similar format of an analogous record, shall be DHW's direct cost for copying the information in that format. When the requester wants a copy of their health information placed on portable media, they shall be responsible for the actual cost of the device.

If there is a reason to believe that a requester or group of requesters are attempting to break a request down into a series of requests for the purpose of avoiding the assessment of fees, DHW will aggregate such requests to determine the total fee and will charge accordingly.

When copies or printouts are duplexed, each side of the copy on which print appears shall be treated as a single copy for the purpose of the fee assessment. In this way, fees for duplexed copies shall be assessed according to the same fee schedule for single-sided copies.

MAILING FEES

When the requester wants the information mailed (such as by Fed Ex, USPS, or UPS), the requester is responsible for the shipping charges and shall provide DHW with their mail account number before the information is mailed.

If an individual requests their health information be transmitted (via mail, fax, or email) to another person designated by the individual, the request must be in writing, signed by the individual, and clearly identify the designated person and where to send it.

PREPAYMENT OF FEES BEFORE COPYING

When the costs associated with completing a public records request might cause the person making the request to withdraw or narrow the request, the person may be informed of the estimated charges before DHW completes the request.

Prepayment of costs associated with copying records may be required on a case-by case basis if there is reason to believe the charges might not be paid, the request is voluminous, or other circumstances exist which indicate prepayment is appropriate. Any overpayment shall be promptly refunded.

DHW cannot withhold from an individual their health information for failure to pay any fees above and beyond labor for copying, supplies for creating the copy (paper or electronic), postage, and preparing an explanation/summary. For additional clarification, consult with your local Privacy Specialist or Privacy Officer.

BILLING AND FEE COLLECTION

All fees for a public records request will be paid in full before the request is mailed.

When a fee is to be charged for the copying or printing of a public record, the requester shall be notified. The requester has sixty

(60) days to remit a payment to DHW.

- a. In the event that a requester has agreed to the amount charged and has not remitted a payment within sixty (60) days, the Public Records Custodian/Coordinator will send a second notification regarding the amount due for the requested information. If a payment is not received within thirty (30) days of the receipt of the second letter, the information will be destroyed.

RECORDS EXAMINATION

While DHW records are being examined in-house, a staff member shall be present in the same room or at a nearby location.

FEE WAIVERS AND EXEMPTIONS §9-338 (10)(F)

The following government entities shall not be assessed any fees under this policy: state legislators; federal agencies; other state agencies (including departments, divisions, bureaus, commissions, boards); cities and counties; school districts; health districts; and state funded colleges and universities.

Fees shall not be charged if the requester demonstrates:

- (i) That the public's interest or the public's understanding of the operations or activities of DHW would suffer by the assessment or collection of a fee;
- (ii) Is not primarily in the individual interest of the requester including, but not limited to, the requester's interest in litigation in which the requester is or may become a party; and
- (iii) Will not occur if fees are charged because the requester has insufficient financial resources to pay such fees.

Factors which shall be considered in evaluating whether a requester has demonstrated an inability to pay a fee assessed for copies of public records include:

- a. The extent to which the requester will receive an economic benefit by using the requested information; and
- b. The financial assets and debts of the person requesting the waiver.

Factors which shall be considered in evaluating whether a requester has demonstrated that a public interest waiver is warranted include:

- a. Whether the subject of the requested records concerns DHW operations or activities;
- b. Whether the requested records would contribute to the public's interest or understanding of those operations or activities;
- c. The requester's identity;
- d. The purpose for which the requester intends to use the information;
- e. Whether the requester will disseminate the information to the public;
- f. Whether disclosure of the record would benefit the broader public's interest or understanding and not merely the private interests of the requester;
- g. Whether the requested record is already in the public domain; and
- h. Whether the fee requirement inhibits the requester's ability to obtain the records.

DHW may seek additional information from a requester in order to support a demonstration of qualification for a fee waiver.

All requests for a fee waiver shall be evaluated on a case-by-case basis. Any response to a request for a fee waiver shall have an attorney review.

State Agency Public Records Questionnaire
DHW Response
Attachment #3

Table #1			
Public Records Requests Received at DHW			
2013		2014 thru 5/30	
Approved- full	604	Approved-full	342
Cancelled	3	Cancelled	0
Closed	27	Closed	22
Denied *	76	Denied *	11
No Information	128	No Information	92
Partial approved *	9	Partial approved *	1
Redaction	33	Redaction	17
		Still Open	17
Total	880	Total	502

Table #2		
Public Records Requests at DHW – By Type of Request		
2013	2014 thru 5/30	Type of Request
29	7	Daycare Inquiries
5	1	Hospital Records (SWITC, SHN, SHS)
407	247	Individual Client/Provider records
36	3	Media Requests
18	10	Not PRR
359	140	Reports/Stats/Lists/Rules/Regulations
26	10	Student Research
	78	Disability Determinations
	6	Injury Claims
880	502	Total

State Agency Public Records Questionnaire
DHW Response
Attachment #3

Table #3			
Public Records Requests at DHW – Reasons for Denial			
Denial Code	Denial Code Description	# in 2013	# Thru 5/30/2014
16.05.01.075.03	Redact Referent	1	
16.05.01.075.03b	Abuse, neglect or abandonment of a child	1	
16.05.01.075.04	Redact Collateral Contact	2	1
9-339(1)	Record is not in the format requested	1	
9-340A(1)	Exempt by Fed'l or State Law	3	1
9-340A(1) 42CFR Part 2	Exempt by Fed'l or State Law		
9-340B(7)	Law Enforcement Agency	1	
9-340B(1)	Investigatory Records	1	2
9-340B(1)(7)	Investigatory Records/Law Enforcement Agency	5	
9-340B(7)	Law Enforcement Agency	5	
9-340C	Personnel Records	2	
9-340C(1)	Personnel Records	1	
9-340C(13)	Medical Records	1	1
9-340C(6)	Public Assistance	12	1
9-340C(8)	Personal Licensing	2	1
9-340C(8)(9)	Personal Licensing & Records Information	1	
9-340D(1)	Trade Secret	1	1
9-343(3)	Discovery	10	
9-348(1)	Distribution of Mailing List	6	2
9-340C(4)(e)	Vital Statistics Record	1	
Federal HIPAA Laws	Federal HIPAA Law	1	
9-340C(8)(9)	Personal Licensing/Record Information	2	
16.05.01.075.01	Verification of requester	21	
16.05.01.075.02	Need Court Order	2	
16.05.01.075.03	Redact Referent		2
16.05.01.075.04	Redact Collateral Contact	1	
16.06.01.562	Confidentiality of the Child Protection Central Registry & Requests to check the registry	1	
	Grand Total	85	12

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Table #4

of Days to Process Public Records Requests in 2013

Days to Process	# of PRR Processed in This Timeframe	Comments
0-3	474	
4-10	222	
11	6	1-denial; 1 No Info; 4 approved for stats
12	14	2-denied; 2-waited for fee; 10- staff research
13	16	Staff research- 14 approved; 2 no info.
14	25	6-denials; 2 fees; 17 for records & stats
15	20	2- waited for fee before processing; 2 –No information; 2-denied; 2 redaction; 12-client records, stats, complaint on a daycare
16	6	1-No record; 6 approved for client records & stats
17	8	1-No record; 7 approved for client records & stats
18	3	1-waited for fee before processing; 2-stats
19	7	1-stats not available yet; 1-denied 9-340C(6); 5 approved for client records & stats
20	6	3-denials; 1 approved; 2-No Information
21	6	2- No Information; 1-client records
22	3	6 yrs of stats for 3 programs
23	2	1-partial approval/partial denial 9-340C(6);
24	3	2-partial approvals; 1 – worked w/Legal before releasing
25	1	Denied under 16.05.01.075.01-Referent
26	2	1- No Information; 1- client's past addresses
27	2	1- Requested authorization- then denied 16.05.01.075.01; 1- Client Records
28	3	1- Redaction; 1- program expenditure report; 1-Client Record
29	2	1-No Information; 1- copies of program manuals
30	4	1-waited for fee, then processed; 1- Never rec'd clarification; 2- client records sent
31	1	Denied- 16-05.01.075.03
32	2	1- No Information; 1-waiting for investigation to be completed
35	3	1-Never rec'd authorization; 2- Client Records
36	2	Both were cancelled by requesters
37	3	1-Never rec'd authorization; 2- gathered client records
38	1	Requested notarized; then denied under 16.05.01.075.01
41	4	1-No info found; 2- needed authorization; 1- region staff completed
42	2	1-Never rec'd authorization; (1) completed gathered family records
44	1	Waited for fee before sending response
45	1	Requested authorization – never rec'd
46	1	Staff gathered data
47	1	Never received authorization
49	1	Requested notarized signature, then denied under 16.05.075.01
51	1	Never rec'd requested 3 rd party authorization letter
53	1	Waited for notarized authorization, then completed
54	1	Partial approved-Completed. Remainder denial 9-340C(6)
59	1	Never rec'd Fee
60	1	Redacted her kids records
62	1	Staff gathered correspondences

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64	1	Never rec'd legal guardianship for verification
65	1	Requested 5 yrs of A& D Waiver stats
68	1	Requested notarized signature, then was denied under 16.05.01.075.01
69	1	All Client Self Reliance records
76	1	Staff time to research the 400 pages response- Completed
78	1	Faxed Medicaid response within the 3 days; Welfare's response mailed later
79	1	Worked with requester on clarification; then denied under 9-340A(1); 9-340C(4(e), 6,12, & 9-337(13)
89	1	Sent most of the record but never received clarification a program needed
96	1	Never rec'd clarification
107	1	Never rec'd 3 rd party authorization
140	1	Legal Review- copies of client's Journal entries
168	1	Never rec'd requested clarification
170	1	Client requested records that we no longer have
Grand Total	877	

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Table #4A		
# of Days to Process Public Records Requests in 2014		
Days	# of PRR Processed in this Timeframe	Comments
0-3	264	
4-10	121	
11	11	1 Need proof of guardianship; 2 not prr; 1 another state agency; and 7 variety of client documentation
12	3	1 Subpoena for records not prr but logged for tracking; 2 client records
13	3	2 Not prr and 1 Medicaid Stats
14	7	1 Not a prr; 2- stats; and 4- client records
15	12	3 Redaction; 1-No Information found; 1- Denied; and 7- client or provider records
16	4	3 ea. Client records and 1- stats
17	3	1 ea. Waiting for fee before processing; provider stats; and client records
18	2	1 ea. Research records-nothing found; and client records
19	3	1 ea. Behavioral Records: Clarification then cancelled; Partial Approval
20	2	Time needed to retrieve data (1) and client information (1)
21	6	Redaction (1); Completed by region exact date not known (3); never rec'd authorization (1); retrieve client info. (1)
22	5	Client information & retrieve client information
23	1	Never rec'd 3rd party authorization
24	4	Retrieve client information
25	1	Fee paid; then retrieve data
26	2	Never rec'd authorization (1); sent client info.
28	4	Retrieve client records
29	1	Retrieve client records
32	2	Waiting for clarification (1); retrieve data
33	2	Retrieve client information & no info available
34	3	Retrieve client information
36	2	Retrieve client information
39	2	Retrieve client information
41	1	Mental Health Holds- Approved
43	3	Needed authorization - C. Johnson (2) & Riverside Group
46	1	Needed authorization - Tref.
47	2	Needed authorization - Bow. & Pum.
49	1	Mailing list denied - Miriam L.
53	2	1 - Never rec'd authorization - Melissa D.
56	1	Never rec'd authorization-Sabrina N.
57	1	Charina-DAG talked with Marti D.
59	1	Never rec'd authorization
82	1	Never rec'd authorization-Faith S.
101	1	Never rec'd fee - Ryan B.
Grand Total	485	

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Table #5				
Fees Charged for Public Records Requests				
Year	Requester	Fee Paid	Less 100 Pages	Less 2 hrs Staff
2013	Amber N. D.	\$ 24.00	0	2.
2013	Jeannine G.	\$ 58.05	293	1.15
2013	Ray M.	\$ 68.40	84	5.
2013	Randall N.	\$ 80.00	350	2.5
2013	Patrick M.	\$ 179.00	380	11.
2013	Mark R.	\$ 271.00	1030	14.
2013	Eric S. L.	\$ 306.70	1627	8.
2013	Nika G.	\$ 324.00	0	18.
2013	Roger L.	\$ 324.00	0	18.
Total Fees in 2013		\$ 1,635.15		
2014	Keya T.	\$ 12.00	0	1.
2014	Barbara M.	\$ 36.30	183	1.5
2014	Brian J.	\$ 72.00	0	6.
2014	Kevin G.	\$ 226.20	462	15.
Total Fees Thru 5/30/14		\$346.50		

Table #6		
Entities Originating Public Records Requests		
Source Type	2013	2014 thru 5/30
Law Firm	93	67
Company	406	189
Individual	381	246
Total	880	502

Table #7		
Method of Public Records Request Deliveries		
Medium	2013	Thru 5/30/14
Mailed	192	55
Mailed w/CD	11	5
Faxed	48	93
Unknown (Division staff Completed)	52	67
emailed	575	261
Picked up	2	4
Total	880	485