



State of Idaho
Department of Fish and Game
Director's Office
Boise, Idaho

MEMORANDUM

DATE: September 29, 2014
TO: Cally Younger, Office of Governor Otter
FROM: Sharon W. Kiefer, IDFG
CC: V. Moore, IDFG
RE: State Agency Public Records Questionnaire

Responses to the questionnaire are numbered according to the questions. Please don't hesitate to contact me if you would like to further discuss our responses.

Q1. The IDFG policy for Public Records Requests, Policy No. C-4.0 is attached. The Director's Executive Assistant keeps a log of public records requests.

a. We maintain a form (attached) on our website for public records submission with specific instruction regarding who should receive the request. Unfortunately, many requesters do not use the form; often, further clarification is required to determine what is actually being requested. Also, requestors routinely just send a request to a staff member rather than the Executive Assistant so it can take a little time to get it routed properly for action. Unlike most other executive agencies, the IDFG public records function is funded by dedicated funds, not by the taxpayers. We do not maintain staff exclusively dedicated to responding to public records.

b. We are working on additional links on the website to try and make it easier for requestors to use our form or at least understand that submission should be through the Executive Assistant. We are also considering whether there is benefit to a more detailed public records log.

Q2. Calendar year 2013 = 71

a. Through May 2014 = 36

Q3. Approximately 79 were granted in full.

a. 17 were denied in part.

b. 11 were denied in full.

Q4. Yes. Examples: Defenders of Wildlife, Western Watersheds, Idaho Conservation League, Center for Biological Diversity, Lynn Stone, Todd Hoffman.

Q5. Requests to IDFG range from requests for biological information/rationale for IDFG and Commission decisions, such as a recent request to provide all the information we have supporting the recent Commission decision for sage-grouse season, information about our raven

control project, or information related to the IDFG decision for wolf control in the Frank Church Wilderness, to requests that target an individual employee such as the request for all of Director's Moore's emails since his employment began to more routine inquiry such as request for big game mortality reports (BGMR) and the status of someone's license (child support cases) or for worker's compensation cases. Attached is a recent example of a fairly complex request (Western Environmental Law Center, 9/9/14).

- a. IDFG does not maintain this specific information in our public records log.
 - i. IDFG does not maintain this specific information in our public records log.
- b. Approximately 79 granted /17 Denied in Part / 11 Denied in Full.
- c. Attorney client privilege, prepared in anticipation of litigation, confidential under Idaho Code Section 9-340C(28) and Section 36-402, law enforcement investigation under Idaho Code Section 9-340B(1).
- d. We try our utmost to meet the request within 3 days or send a letter requesting more time. An example letter is attached. Needing more than 3 days is fairly common.
- e. Often the records request requires synthesis of information from multiple staff members, who may be out in the field and unavailable to provide the requested records (i.e. often literally pulling information out of file cabinets). Another example is when emails are included in a request, the emails have often been archived in folders on individual computers so staff must search through their computer folders to find all relevant emails.
- f. The individual who maintained the information being requested was in the hospital so we were unable to fully process the request until they returned to duty.
- g. The IDFG fee schedule is included in the policy. We notify individuals if fulfilling their request includes fees. When fulfilling a public records request will result in substantial fees, such as the request for all of the Director's emails (which would also require extensive redaction), the requestor often determines that they do not want the request fulfilled.
- h. Yes. We are able to accommodate many requests within the statutory limits with no fees.
 - i. We get records requests from every sector: individuals, NGOs, law firms, agencies in other states.
 - j. As previously noted, the volume of the each request varies substantially. Some, such as for specific biological information are often handled directly via email. Conversely, a request related to a range depredation claim required about 300 pages of records.
 - k. When necessary, records are provided to the requester with redactions. The most common redaction is personal information that is confidential. Example: Because BGMRs have information that can be tied to someone's license (which is protected information), every one of these requested has to be redacted.
 - i. IDFG does not maintain this specific information in our public records log.
 - l. The medium depends on the record being requested but we have used hardcopy, digital such as the Commission meeting tapes, and electronic mediums.
 - m. We have received complaints, i.e. requestors did not want to be charged or they wanted redacted information, but we have not received any formal dispute or litigation.
 - n. In particular, the individual who requested all of the Director's emails (including all those archived in computer folders – not just those that were “active” on his email program) did not think she should be charged. This individual never paid the necessary fees to have the request fulfilled.