



C.L. "BUTCH" OTTER
GOVERNOR

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CONTACT: Jon Hanian

(208) 334-2100

GOVERNOR OTTERS BOOSTS GOVERNMENT TRANSPARENCY WITH PUBLIC RECORDS ORDER

(BOISE) – Governor C.L. "Butch" Otter signed an executive order today creating an ombudsman position in his office to review and begin the process of improving how governments in Idaho respond to public records requests from citizens and the news media.

"In the interest of transparency, and in the interest of being responsive to public records requests without putting people in the position of suing us to get the information they want, a public records ombudsman in my office will be a kind of relief valve for the process," Governor Otter said in signing Executive Order 2014-04. "While today's order only immediately impacts the agencies, offices, boards and commissions directly under my authority, it also sets in motion a process that could lead to changes in Idaho law with a broader impact."

Specifically, members of the Newspaper Association of Idaho – which worked with the Governor's office in developing the executive order – have indicated denials of public records requests made to local units of government have been a bigger problem for the news media.

Governor Otter introduced Cally Younger, an attorney in the Office of the Governor, as the public records ombudsman. She will be responsible for ensuring that the policies and practices of all Executive Branch agencies, departments and offices are consistent. She also will collect information about the number of denials of public records requests issued by those agencies, as well as the reasons for the denials, costs associated with the requests and the total cost of compliance with the Idaho Public Records Act.

In addition, the ombudsman will compile and maintain a list of concerns and complaints from individuals about agency policies, processes and decisions denying access to public records and report that information to the Governor every year by December 30. Younger also will work with agencies, stakeholders and the public to provide recommendations to the Governor for improving public record disclosure policies and laws, including possible legislation to establish a review process at the state and local level before or in lieu of litigation.

As it now stands in Idaho law, the "sole remedy" for denials of public records requests is a lawsuit in state court. Governor Otter said there should be a quicker, easier and less expensive alternative both for the government entities involved and the public.

The Office of the Attorney General has deputies attorney general assigned to each Executive Branch agency whose jobs include advising directors and administrators how most appropriately to respond to public records requests. Having an ombudsman in the Office of the Governor to review those denials eliminates potential conflicts of interest.

“This begins a process that I hope will prompt discussions at every level of government about our responsibilities and the importance of transparency to building public confidence in its institutions,” Governor Otter said.

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