

## TRIAL COURT ADMINISTRATION FOURTH JUDICIAL DISTRICT



### **Guidelines for Requesting Records from the Trial Court Administrator**

The Trial Court Administrator is designated the custodian for receipt of public requests for court records not contained in a court case file. In the event the Trial Court Administrator is unavailable, the Deputy Trial Court Administrator is designated the alternative contact custodian. The physical location of such records is the Ada County Courthouse and Administration Building, 200 W. Front Street, Boise, Idaho, 83702. I.C. § 74-119; I.C.A.R. 32(j)(2)(D).

### **Making the Request**

Records requests must be submitted in writing and must either utilize the online form at <https://adacounty.id.gov/judicial-court/> or be in a substantially similar format. Oral requests will not be considered. I.C.A.R. 32(j)(1).

The Trial Court Administrator will make no inquiry as to the motives of the person making the request but can make inquiry to obtain the information necessary to process the request and, in the event of a request for a fee waiver, may make inquiry and require sufficient proof to evaluate the fee waiver request. I.C. §§ 74-102(5), 74-102(10)(f).

The Trial Court Administrator can also verify the identity of the requester. I.C. § 74-102(5)(a).

Requests for records contained in a **court case** file must be directed to the **clerk's office** and not to the Trial Court Administrator. I.C.A.R. 32(j)(2)(C).

Records that are not filed in or are part of a court case file, may be available upon written request from the Trial Court Administrator, including any writing, as defined in I.C. § 74-101, containing information relating to the conduct or administration of the public's business, prepared, owned, used or retained by the courts or judicial branch, if the record exists in a physical form (which can be an electronic form). The Trial Court Administrator is not obligated to create records or compile information in response to a records request. Similarly, the Trial Court Administrator has no obligation to summarize information contained in records. I.C.A.R. 32(b)(4)(C); I.C.A.R. 32(b)(5)-(6); I.C.A.R. 32(j)(2)(D); I.C.A.R. 32(j)(4). I.C. § 74-101(13).

#### **Records Exempt From Disclosure**

Court records (**not** in a court case) that generally cannot be disclosed include: materials related to the issuance of unreturned search or arrest warrants; grand jury information; juror identification information; judicial work product or drafts; personnel records; computer programs; magistrates commission records; worker's compensation records; emergency response and security assessment records; critical infrastructure records; and proprietary information. I.C.A.R. 32(g); I.C. §§ 74-105, 74-106, 74-107.

Records requested cannot be utilized for purposes of a mailing or telephone list. I.C. §§ 74-102(5)(b), 74-120.

## **Response Time**

The Trial Court Administrator will respond to a written records request within three business days of receipt. The response will either be in the form of a grant of the request, a denial of the request, or a combination thereof, or be in the form of a notice that more time will be required to process the request. The additional time required will generally not be more than ten days after the initial request. I.C.A.R. 32(j)(4); I.C. § 74-103(1).

## **Examination/Copying of Records and Fees**

Records that are subject to disclosure must be examined during regular office hours. If a request to examine records after hours is granted by the Administrative District Judge or the Trial Court Administrator, the Trial Court Administrator will be entitled to reasonable compensation, in advance, for the use of staff after hours. I.C. § 74-102(8).

Trial Court Administration staff will monitor the examination of records, to ensure the continued integrity of the records. I.C. § 74-102(7).

The Trial Court Administrator will charge a fee, which must be paid in advance, for the labor and other costs incurred in fulfilling the records request. I.C.A.R. 32(j)(6); I.C. §§ 74-102(10)(e), 74-102(12). Payment may be made by cash or check. For an additional fee, payment may also be made by credit card.

There is no charge for the first two hours of general labor for complying with the request and there is also no cost for the first one hundred pages of paper copies of requested records. Any overcharge arising from a difference between the estimated fee and the actual fee (both will be itemized) will result in a refund of the overcharged amount to the requester. I.C. §§ 74-102(10)(a), 74-102(12). A requester cannot file multiple records requests to avoid payment of fees. I.C. § 74-102(11).

If a record needs to be redacted, because it contains information that can be disclosed and information that cannot be disclosed, the requester will be charged for the redaction process. I.C. §§ 74-102(10)(b)(ii), 74-102(1)(e).

General labor rates will be charged at the per hour rate of the lowest paid employee necessary and qualified to process the request (\$19.33/hr.). If redactions must be made, the labor rate charge will be at the per hour rate of the lowest paid attorney necessary and qualified to perform the redaction (\$42.12/hr.). I.C. § 74-102(10)(e).

For paper copies in excess of one hundred in number, requesters will be charged the actual cost of the paper copy (\$.10/page). For copies of records onto DVDs or flash drives, requesters will be charged the actual cost of the DVD (\$.50 each) or flash drive (\$5.00 each). I.C.A.R. 32(j)(6); I.C. § 74-102(10).

For computer security reasons, only electronic media supplied by the Trial Court Administrator will be utilized.

Fees can only be waived if: (1) the requester demonstrates a financial inability to pay the fees; and (2) that the request is not primarily in the requester's individual interest; and (3) that the records sought are likely to significantly contribute to the public's understanding of the operations or activities of the government. I.C. § 74-102(10)(f).

Requesters will be required to pay the mailing or fax costs associated with mailing or faxing any copies of records. I.C. § 74-102(10); Idaho Public Records Law Manual, at 9.

## **Appeals**

The requester can appeal to the district court the denial or partial denial of a records request. Any such appeal must be filed within 180 calendar days from the date of the mailing of the notice of denial or partial denial. I.C. § 74-115.