



**BOARD POLICY 4009**

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**RELEASE AND RESTRICTION OF DEPARTMENT RECORDS**

**Purpose**

This policy requires the Department to establish guidelines for the release and restriction of records pursuant to the Idaho Public Records law and other applicable provisions of federal law and the Idaho Code.

**Legal Authority**

5 United States Code 552 - Public information regarding agency rules, opinions, orders, records and proceedings

5 United States Code 552a - The Federal Privacy Act

15 United State Code 1681 - Consumer protection and credit reporting by agencies

18 United States Code 2721 et. seq. - The Drive Protection Act

42 United States Code 405(c)(2)(C) - Provisions of the Social Security Act that prohibit the release of social security numbers and other personal information in motor vehicles and driver records

42 United States Code 1306 - Provisions of the Social Security Act concerning the disclosure of information gathered by the Social Security Administration or the Department of Health and Human Services

Idaho Code 9-337 thru 9-348 - The Idaho Public Records law – governs request for information by the public

Idaho Code 18-3122 thru 18-3128 - Personal identifying information misuse constitutes a crime

Idaho Code 28-51-101 thru 28-51-107 - Identity theft protection in commercial transactions – disclosure of breach of security of computerized personal information by an agency

Idaho Code 49-202 - Motor Vehicles information is deemed confidential, but may be released to certain persons in particular circumstances and under specific limitations

Idaho Code 49-203 - Prohibition on release and use of personal information contained in motor vehicle and driver records

Idaho Code 49-203A - Rules, policies and waiver procedures regarding disclosure of personal information contained in motor vehicle and driver records

The Director shall prepare and distribute information to employees of the Department and guidelines to the general public concerning the rights of the public to view or copy unrestricted Department records, in accordance with the Idaho Public Records law Sections 9-337 through 9-348, Idaho Code. All employees shall comply fully with the provision of this policy.

In addition to the general records excluded from disclosure in Sections 9-340A through 9-340H, Idaho Code, the following Department records are additionally restricted in that:

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Engineer's estimates on public works projects are not available until after the project is awarded (Section 9-340D(4), Idaho Code).

Bids that are submitted by vendors, contractors, or consultants for bids or services requested by the Department are not available until after the bids are opened (Sections 9-340A(1) and 67-2805(3)(a)(v), Idaho Code).

Records under jurisdiction of the Department's Legal Counsel are only available to the public in accordance with rules applicable to the legal profession.

Appraisals of real property are not available prior to acquisition of the property and all other parcels on the project, (Section 9-340D(3), Idaho Code).

If any public record contains material that is both exempt and not exempt from public disclosure, upon receipt of a request for disclosure, the exempt shall be separated from the non-exempt material and the non-exempt material made available for inspection (Section 9-341, Idaho Code).

Approved by the Board on:

Signed

Jerry Whitehead  
Board Chairman

Date: February 20, 2013