

IDAHO HEALTH INSURANCE EXCHANGE

PUBLIC RECORDS POLICY

I. Purpose

This statement of policy is intended to provide guidance to the staff of the Idaho Health Insurance Exchange (“**Exchange**”) with respect to disclosure of the public records and other matters in the office of the Exchange. The statement of policy is based on the assumption that the Exchange is not subject to Idaho public records law, Idaho Code Sections 9-337 through 9-350, but has nonetheless elected to adopt a policy that is similar in many respects to the public records law.

II. Definitions. The following terms shall be substantially as defined in Idaho Code § 9-337. Certain key terms are reprinted herein, with appropriate clarification, for convenience.

- A. “Copy”** means transcribing by handwriting, photocopying, duplicating machine and reproducing by any other means so long as the public record is not altered or damaged.
- B. “Custodian”** means the person having personal custody and control of the public records in question. If no such designation is made by the Exchange, then custodian means any public official or Exchange employee having custody of, control of, or authorized access to public records and includes all delegates of such officials, employees or representatives. Initially, the Executive Director is designated the Custodian, or such other person as the Executive Director may designate in writing.
- C. “Inspect”** means the right to listen, view and make notes of public records as long as the public record is not altered or damaged.
- D. “Public Record”** includes, but is not limited to, any writing containing information relating to the conduct or administration of the public’s business prepared, owned, used or retained by the Exchange regardless of physical form and characteristics.
- E. “Writing”** includes, but is not limited to, handwriting, typewriting, printing, photostating, photographing and every means of recording, including letters, words, pictures, sounds or symbols or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums or other documents.

III. Public Records Requests

- A. Records Requests.** Requests must be made in writing by completing and signing the Exchange's public record request form and must include a complete and detailed description of the materials requested. The request must include the name of the person making such request, and information – either an address, e-mail address or phone number – sufficient to enable the Exchange to respond to such request. The Exchange will not author or prepare any new documents in response to a records request. The Exchange will not permit inspection or copying of any records exempt from disclosure pursuant to I.C. 9-340A through 9-340H or such other categories as the Exchange may designate. The Exchange will not permit inspection or copying of any records related to proposals and bids to enter into any contract or agreement until the time for the opening of bids in the case of proposals or bids to be opened publicly, and until the time for the receipt of bids or proposals has expired in all other cases, and until the contract or contracts contemplated by such processes have been negotiated and executed by all parties thereto. The Exchange will not permit inspection or copying of any communications, either internal or external, made in connection with an evaluation process for reviewing bids or proposals, prior to a decision to enter into negotiations with or to award a contract to, a particular person, and following negotiation and execution of such contract. The Exchange will accept written records requests submitted in person, by U.S. mail, by e-mail as identified on the record request form or by facsimile. The Executive Director may authorize other means of accepting records requests.

A person may inspect and copy the records of the Exchange pertaining to that person, even if the record is otherwise exempt from public disclosure, subject to the limitations in Idaho Code section 9-342(3), or such other limitation as the Exchange may adopt. Such requests must be notarized by an Idaho Notary Public, and/or be made in person with appropriate identification being presented, such as a valid driver's license, as the Executive Director may authorize. The Executive Director is also directed to create policies regarding a parent or guardian's request to examine records of a minor.

If the request is likely to be voluminous or require payment as described in Section V herein, the Exchange may provide requester with information to help requester narrow the scope of the request or to make the request more specific.

- B. Response to Requests.** The Exchange will respond to all public records requests as soon as practicable and without unreasonable delay. In any event, the Exchange shall respond to any requester within three (3) working days after the Exchange's receipt of the request. When a person requests to examine records that may be exempt from disclosure as contemplated herein, the requester will be notified in writing within three (3) working days after the Exchange's receipt of

the request whether or to what extent the request will be granted or denied. If the Exchange cannot grant or deny a person's request to inspect, examine, or copy public records within three (3) working days because a longer time is needed to locate or retrieve the public records or because it cannot be determined within three (3) working days whether some or all of the request involves materials exempt from disclosure, the requester will be notified of the delay in writing within three (3) working days of the request. The request will be granted or denied in whole or in part within ten (10) working days of the request.

Any notice of denial or partial denial shall state: (i) that the attorney for the Exchange has reviewed the request; (ii) the statutory authority for any denial of the request; and (iii) the person's right to appeal the denial or partial denial to the Exchange's Governance Committee within 15 days. The Governance Committee shall issue a decision on the appeal within 28 days of the appeal. An appeal to the Governance Committee shall be the sole remedy for a person aggrieved by the denial of a request.

If an electronic record is requested, and conversion of the record to another electronic format cannot be completed within ten (10) working days, the agency shall so notify the requester in writing. The Exchange will provide the converted record to the requester at a time mutually agreed upon by the Exchange and the requester.

- C. **Cost Estimate.** If fees and/or charges are appropriate pursuant to Section V herein, the Exchange will provide a cost estimate in its response.

IV. **Inspection of Public Records/Copies of Public Records**

- A. **Inspection.** A person making a public records request may personally inspect the requested documents at the Exchange's office during normal business hours. A staff member shall be present while any original documents are inspected to ensure protection of the documents. Any inspection which requires more than thirty minutes of staff time shall occur at a time mutually convenient to the requester and the affected staff person. The right to inspect does not include the right to disassemble or alter the order of materials in files or document binders.
- B. **Copies.** Upon request, the Exchange will provide copies of the requested documents, in either paper or electronic format. Such copies may be subject to certain fees and charges as provided in Section V herein. The Exchange retains the right to provide documents in a secure format to prevent alteration or misuse of the public record.

V. **Costs and Fees**

- A. Payment of Costs.** When presented with a public records request, the Exchange – if it determines to charge costs – shall prepare an estimated cost bill reflecting the full, actual cost of the Exchange staff time and materials required to complete the request, including time for retrieval, copying, preparation, assisting the requester, separating exempt from non-exempt materials, organization of the results, and, if requested, delivery of the documents. As further provided in this Section V, the Exchange may impose charges for records requests to the extent of costs actually incurred in the processing and preparation of the response.
- B. Labor Costs.** The Exchange may charge labor costs incurred if the request either (i) includes non-public information that must be deleted by the Exchange’s attorney, or (ii) requires two hours or more of staff time to locate and copy documents requested. The amount of labor costs will be based on actual costs incurred based on the per hour rate of the Exchange’s lowest paid employee necessary and qualified to process the request, or if the request requires redactions to be made by the Exchange’s attorney, the labor costs shall be based on the usual and customary rate charged by the Exchange’s attorney.
- C. Materials Fees.** The Exchange has established a copying fee schedule, which represents the actual costs incurred to the Exchange for copying of the records, excluding labor costs. Pursuant to this schedule, the Exchange may charge copying fees at the rate of five (.05) cents per page, in its discretion. The cost of providing computer disks containing copies of information on the Exchange’s computers will be two dollars (\$2) per disk. The Exchange reserves the right to place security restrictions on electronic files to prevent alteration and misuse. If delivery of the copied material is requested, mailing or delivery costs may be included in the estimated cost bill at the Exchange’s discretion.
- D. Deposit; Cost Bill; Payment of Costs and Fees.** If the estimated cost bill is over Fifty Dollars (\$50.00), the Exchange may require a deposit in the full amount of the estimate before expending Exchange resources toward responding to the document request. If the estimated cost bill is Fifty Dollars (\$50.00) or less, the Exchange shall proceed to fulfill the request and shall present a cost bill for the Exchange’s full actual expenses, calculated in accordance with this policy and payable in full upon receipt of the request results.

In each case where the Exchange charges costs or fees pursuant to this Section V, the Exchange shall prepare and provide a final cost bill to requester. The final cost bill shall be itemized to show the per page costs for copies, the hourly rates of employees or attorneys involved in responding to the request, and the actual time spent on the public records request.

If the actual cost of completing the request exceeds the cost estimate, the Exchange will not release the search results until the Exchange’s full actual costs, calculated in accordance with this Section V, are received in full. If the actual

cost of responding to the request is less than estimated, then the balance of the deposit will be refunded promptly.

Note: The Exchange reserves its right to aggregate multiple requests and charge appropriate fees based on the aggregated request.

- E. Waiver of Fees/Costs.** Copies of public records shall be furnished without cost, or at reduced cost, if the Exchange staff determines that a waiver or fee reduction is appropriate. In order to receive a fee waiver or reduction, the requester must demonstrate, in writing, that its examination and/or copying of the records (i) is likely to contribute significantly to the public's understanding of the operations or activities of the government; (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. Any requester who is "disabled" within the meaning of the Americans with Disabilities Act may also apply for a waiver or reduction of fees for any of the cost of complying with the request that were due to requester's disability.

VI. Contact Information for Public Records Requests

Public records request forms may be downloaded from the Exchange's website, www.yourhealthidaho.org. Completed request forms may be submitted by mail to the address below, or by e-mail at the e-mail address listed below.

Your Health Idaho
PO Box 50143
Boise, ID 83705

Email: media@yourhealthidaho.org
Phone: 208.991.4911



Public Records Request

Please complete and return this form to the Idaho Health Insurance Exchange (d.b.a. Your Health Idaho)

All records requests are subject to the Exchange's Public Records Policy, a copy of which is available on request

Please list where you would like us to send the records you have requested and contact information for you in case we have questions regarding your request.

Requestor Name _____ Telephone _____
 Mailing Address _____ Fax Number (optional) _____

If you are requesting consumer-specific records, please include the following information.

Consumer Name _____ Consumer Date of Birth _____
 (First, MI, Last)
 Consumer Address _____ Consumer Telephone _____

Detailed Description of Record Requested—Please be very specific and attach a separate page if necessary

Please indicate whether you want to:

- Review records in person without copying.
- Receive a copy of the records. **Please note:** The Exchange may assess labor and other costs associated with the copying the records. Before the Exchange copies records for you, the Exchange will provide you with a non-binding estimate of the amount of copying costs and may require pre-payment of all or a portion of the costs.

The Exchange will notify you in writing if the Exchange cannot respond to your request within 3 working days of the day the Exchange receives this request.

If this request is being made by someone other than the subject of the record, please describe and provide documentation of your authority to request that person's information:

Your signature _____ Date requested _____

If you are requesting consumer-specific records and you are not the subject of the records, or if you are submitting this request by email, mail, or facsimile, then your signature must be notarized.

I, _____ being a Notary Public, do hereby certify that on this day _____ of _____, 20_____, the above individual, having been first duly sworn, appeared before me and signed the foregoing document on his or her own behalf or as the duly authorized personal representative of _____.

Signature of Notary Public
Notary Public residing at _____
My commission expires on _____