POLICY NO. 2018-1

August 28, 2018

MISSOULA COUNTY

PUBLIC INFORMATION AND RECORD REQUEST POLICY

It is the policy of Missoula County to operate in accordance with Montana law regarding public information, public record requests, and the public's right to know. Missoula County acknowledges that the constitutional right to privacy requires balancing of the public's right to know with the right to privacy, and that such balancing is an integral and necessary part of responding to requests for public records and public information.

1. Definitions

a. "Public information" means information prepared, owned, used, or retained by any department of Missoula County relating to the transaction of official business, regardless of form, except for confidential information that must be protected against public disclosure under applicable law.

b. "Public record" means public information that is:

   i. fixed in any medium and is retrievable in usable form for future reference; and

   ii. designated for retention by state records committee, judicial branch, legislative branch or the local government records committee.

c. "Confidential information" means information that is accorded confidential status or is prohibited from disclosure as provided by applicable law. The term includes information that is:

   i. constitutionally protected from disclosure because an individual privacy interest clearly exceeds the merits of public disclosure;

   ii. related to judicial deliberations in adversarial proceedings;

   iii. necessary to maintain the security and integrity of secure facilities or information systems owned by or serving the state; and

   iv. designated as confidential by statute or through judicial decisions, findings, or orders.

2. Designation of Individual Responsible for Coordinating Responses to Public Information Requests

Missoula County designates Communications & Projects Director as Missoula County's public information request liaison ("Designated Individual"). Public information requests may be directed to this individual at ahughes@missoulacounty.us or directed to the department with the information requested.

3. Process for Responding to Public Information Requests

Upon receipt of a request for public information, the Designated Individual or receiving department shall respond in a timely manner to the requesting person by:

(a) making the public information maintained by Missoula County available for inspection and copying by the requesting person; or
(b) providing the requesting person with an estimate of the time it will take to fulfill the request if the public information cannot be readily identified and gathered and any fees that may be charged for fulfilling a public information request.

Missoula County is not required to alter or customize public information to provide it in a form specified to meet the needs of the requesting person.

If Missoula County agrees to a request to customize a records request response, the costs of the customization may be included in the fees charged by Missoula County.

4. **Confidential Information and Information relating to individual or public safety**

Pursuant to Mont. Code Ann. 2-6-1002 and 2-6-1003, Missoula County reserves the right to withhold from public scrutiny confidential information and information relating to individual or public safety or the security of county facilities, including public schools, jails, detention facilities, if release of the information jeopardizes the safety of facility personnel, the public, students in a public school, or inmates of a facility. Missoula County may not withhold from public scrutiny any more information than is required to protect individual or public safety or the security of public facilities.

5. **Fee**

Missoula County may charge a fee for fulfilling a public information request. Except where otherwise provided for in law, the fee may not exceed the actual costs directly incident to fulfilling the request in the most cost-efficient and timely manner possible. The fee must be documented. The fee may include the time required to gather public information. Missoula County may require the requesting person to pay the estimated fee prior to identifying and gathering the requested public information.

6. **Legal Review**

Upon receipt of a request for public information, the Designated Individual or receiving department shall gather and review the information requested. If an initial review suggests the following is included in the information requested, the Designated Individual or receiving department shall provide it to the county attorney's office for legal review:

- Employee information other than position, length of employment and salary
- Disciplinary actions taken or considered against employees
- Grievances filed by or against employees
- Correspondence involving attorneys that may be privileged attorney-client communications
- Documents created by attorneys that may be privileged work product

- Information relating to county detention or school facilities
- Information relating to physical security of county property or technology systems
- Information relating to judicial deliberations in adversarial proceedings
- Information relating to students in public schools
- Information relating to inmates in detention facilities

7. Time

Missoula County shall make every reasonable effort to respond to public information requests within 2 weeks. For large or complicated requests, the initial response should occur within 2 weeks, and may provide an update as to the steps taken to date regarding the request, and the estimated fee for processing the request, if known at that time.

8. Reason for withholding

If Missoula County denies a request for public information or records, Missoula County shall provide a written explanation for the denial.