



LEWIS AND CLARK COUNTY POLICY

Subject: Public Records Requests Response	Policy No: 1.1.4
Approved:	Effective Date: March 9, 2021 Revised Date:

I. **Policy Statement**

This policy establishes guidelines for responding to public records requests.

II. **Applicability**

This policy is applicable to all County employees. For purposes of this policy, “employee” includes all Lewis and Clark County employees and elected officials.

- A. Employees are responsible for following the policy.
- B. Department Directors are responsible for the implementation of the policy within their Departments.

III. **Definitions**

Board or BoCC. The Board of County Commissioners of Lewis and Clark County, Montana.

Chief Administrative Officer (CAO). The Chief Administrative Officer of Lewis and Clark County, Lewis and Clark County, Montana.

Department Director. The duly appointed Director of any Department of the County.

IV. **Directives**

Responding to public records requests are an important and required responsibility of local government in Montana. The following directive is to be followed upon receiving a public records request:

1. The Department should promptly send the requestor an acknowledgement their request was received and a statement there will be a follow up email/letter indicating the timeline for getting the requested information and the estimated cost. Ambiguity in the request must be clarified at this step.

2. Under MCA 2-6-1006 the County can charge a fee for fulfilling a public information request. The fee can be charged either prior to or after identifying and gathering the requested public information. The fee may not exceed the actual costs directly incident to fulfilling the request in the most cost-efficient and timely manner. The fee must also be documented. The County will waive the fee if the amount of the research and assembly is less than \$20.00; however all photo-copying charges will apply.
3. The Department should send the requestor the estimated timeline and associated costs and request acceptance to the cost prior to collecting the information.
4. Once all the information has been collected the information should be forwarded to the County Attorney's office for review for private or otherwise protected information.
5. The County Attorney's office will keep a file of the information, determine if any information should be withheld under privacy or other privilege, and instruct the Department on what information must be redacted/removed.
6. The Department sends the information to the recipient after confirming payment or agreeing to payment.

V. Closing

VI. References

VII. Attachments