



DEQ POLICY MEMORANDUM PM07-1

POLICY FOR HANDLING PUBLIC RECORDS REQUESTS RELATED TO OR INCLUDING THE LOCATION AND/OR CONSTRUCTION SPECIFICS OF EITHER PUBLIC DRINKING WATER SYSTEMS OR WASTEWATER TREATMENT FACILITIES.

Statement of Purpose

To formalize a policy for the handling of public record requests (PRR) for location and/or construction specifics of either Public Drinking Water Systems (PWS) or Wastewater Treatment Plants/Facilities (WWTP) received by DEQ from the public under the Idaho public records statute, Idaho Code §§ 9-337, et seq. This policy and procedure shall be used in conjunction with DEQ Policy for Handling of Public Records Requests PM03-2, dated May 13, 2003.

Background

This policy was developed to provide guidance to staff to consistently respond to PRRs for drinking water and wastewater related information that could be considered security sensitive.

Statement of Policy

1. Public records requests for location and/or construction specifics of either Public Drinking Water Systems (PWS) or Wastewater Treatment Plants/Facilities (WWTP) will be reviewed and approved consistent with all criteria outlined in DEQ Policy for handling of Public Records Requests PM03-2 and Idaho Code § 9-337, et seq.
2. Requests for location and/or construction specifics for a single PWS or WWTP **SHOULD BE APPROVED** unless evidence is present that clearly indicates that disclosure of such information would jeopardize the safety of persons or the public safety or unless other criteria for denial from PM03-2 would apply.
3. Requests for Geographic Information System (GIS) coverages (or similar) of source locations of all or multiple PWSs **SHOULD NOT BE APPROVED** as the DEQ has determined that disclosure of such information would jeopardize the safety of persons or the public safety. If such information is requested, failure to provide GIS coverages of source locations constitutes a denial of a public record request. All public record request denials must have attorney review. Additionally, a denial letter must be sent to the requester.

4. In the event that the designated program or regional office Public Records Custodian has reason to believe that a request has been received where the fulfillment of the request would jeopardize the safety of persons or the public safety, that custodian will immediately initiate a conference call with necessary staff and management to discuss possible denial of the request. The necessary staff shall include but not be limited to State Office Program management (Drinking Water or Wastewater), the Public Records Request Coordinator, the regional Public Records Custodian, and a deputy attorney general. In the event that the participants on the conference call believe that fulfillment of the request would jeopardize the safety of persons or the public safety the participants will authorize denial of the request, and, if appropriate, notify law enforcement.

Implementation

This policy shall be effective immediately from the date of signature.

DATED this 23rd day of March, 2007



TONI HARDESTY
DIRECTOR