

Matthew Wilde, Boise State University's general counsel, emailed the following response to [Idaho EdNews' Oct. 9 article on Boise State public records requests](#). Here is his response in full:

Yesterday afternoon, I received from EdNews a document titled "Boise State public records timelines, September-October 2024" which outlined EdNews requests for records with respect to Pac-12 documents and correspondence, and records "pertaining to Boise State's scheduled Sept. 28 volleyball match with San Jose State University, later forfeited by Boise State." In addition to this, on October 9th, [you've published a story about these requests](#) and the University's "failed deadlines."

Pac-12

In your document, and in your publication of the story, you note that "EdNews did not receive a response granting or denying the [Pac-12] request within three working days, as required by Idaho code 74-103(2)."

This is patently false.

A written response was sent to the requester, Ryan Suppe of Idaho EdNews, dated September 18, 2024, at 2:07 pm, which noted the 3 and 10 day requirements of Idaho Code and that "we will provide the records no later than ten (10) working days" from the date of the request" when it's determined that a longer period of time is needed.

Volleyball

In addition, EdNews contends, and has published a story asserting that, with regard to the volleyball match request, "[t]he university did not grant or deny the request by Oct. 7, the three-day deadline."

This, too, is patently false.

A written response was sent to the requester, Kevin Richert of Idaho EdNews, dated October 2nd, the same day the request was submitted, which similarly stated: "The University is in receipt of your request for ... records[.] ... We will grant or deny your request within three (3) working days unless we determine that a longer period of time is needed to locate, retrieve, and review responsive records, in which case we will provide the records no later than ten (10) working days if you are an Idaho resident."

As you are no doubt aware, where no records are provided by the 10th day, the "request shall be deemed to be denied" and Idaho EdNews' opportunity to file an appeal in the District Court begins. Idaho Code §74-103(3).

Finally, you note in the story, after quoting an email response from the University's public records custodian, that "Boise State is attempting to push back the timetable on the records request, by a week or more, in violation of state law." Rather than calling or

seeking clarification about the custodian's email stating "We will provide the records no later than ten (10) working days from Wednesday, October 10," you assumed his intent was to add a new ten days, rather than acknowledging a typographical error, to which our custodian has admitted.

Indeed, you note in the story that October 10 is not a Wednesday but rather, a Thursday. Even knowing that the date provided was likely in error, you assumed that the University was consciously choosing an "arbitrary" and new date to respond. With this knowledge, you still chose to publish allegations you knew, or should have known, to be false.

Even so, I will note that the University has recently transitioned our public records workflow into a new software product. In order to make it more clear to a requester when more time is required to review and respond with records, my office has very recently amended the software's "auto response" language contained in the email response to better communicate with all requesters, document compliance with Idaho's public records law, and set expectations. This revised response, not unlike those EdNews received, acknowledges receipt of the records request within three business days through an automated acknowledgement of receipt, and a notice that the university will respond within ten (10) working days with a response. A failure to respond is not a violation of Idaho law, but rather, the event providing the requester with recourse in the District Court. Nevertheless, we hope to avoid those "deemed" denials and seek to be transparent and clear in our communications going forward. We are committed to meeting the public records law for all requests.

Because IdahoEd News submits numerous requests and we want to partner with you in coordinating efficient responses, please let me know if our new HighQ workflow and responses could be improved.