

SUMMARY STATEMENT

Sentry Dynamics, Inc. v. ADA County

Docket No. 50933

This case concerns a public records request. Sentry Dynamics, Inc., an Idaho company that provides property data to its customers, submitted a public records request to the Ada County Assessor's Office requesting a compiled list of property data, including the names and addresses of the property owners. This dispute centers on two statutes. First, Idaho Code section 74-120, prohibits an agency from preparing or distributing a "list of persons" for use as a mailing or telephone number list without "securing the permission of those on the list." Second, Idaho Code section 74-102(5)(b) allows a custodian of public records to make an inquiry "[t]o ensure that the requested record or information will not be used for purposes of a mailing or telephone list"

Because the Assessor's Office believed Sentry was requesting a compiled list of persons that would be used as a mailing or telephone number list by its customers, it denied the request. However, the Assessor informed Sentry that it would produce the requested records if Sentry signed an "Acknowledgement and Agreement" form that provided assurances that it would not allow third parties to use the records for mailing and telephone number list purposes. Sentry refused to sign the Agreement and filed a complaint in the Ada County district court seeking a writ of mandate and declaratory judgment. The district court ultimately ordered Ada County to provide the records to Sentry in an electronic format of its choosing. Ada County appealed and Sentry cross appealed.

The Idaho Supreme Court affirmed in part and reversed in part. The Idaho Supreme Court agreed with the district court that the records Sentry seeks are public records that contain a "list of persons" under Idaho Code section 74-120(1). However, it reversed the district court's order requiring Ada County to provide the records without assurances. The Supreme Court held that pursuant to Idaho Code section 74-102(5)(b), Ada County could require Sentry to provide assurances that the list would not be used as a mailing or telephone number list by its customers. Since Sentry refused to do so, it was not entitled to the records in their compiled form. For guidance moving forward, the Idaho Supreme Court reviewed the provisions of the "Acknowledgement and Agreement" form and concluded that while some provisions were acceptable, others went beyond Ada County's statutory authority to inquire as to the use of the data. The Supreme Court also concluded that the Public Records Act did not require the County to produce the records in an electronic format.

******This summary constitutes no part of the opinion of the Court, but has been
Prepared by court staff for the convenience of the public.******