



Montana Public Safety Officer Standards & Training Council

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Policy and Process for Submission, Response, and Reporting of Public Information Requests

Policy: POST will provide timely responses to all public information requests submitted pursuant to POST's processes. POST will report data on public information requests to the Legislative Finance Committee and to the public pursuant to Montana law. This Policy and Process and the Public Information Request Form will be posted on POST's website, and POST's Administrative Assistant will be listed on the website as the designated contact for public information requests by October 1, 2023. Effective October 1, 2023, the following processes will be followed regarding submission, response, and reporting of requests for public information.

Section 1: Process for Submitting Public Information Requests

1. All public information requests must be submitted by completing and sending POST's Public Information Request Form to POST's Administrative Assistant via mail or email. The following information requests do not need to be submitted pursuant to this process:
 - a. A public safety officer requesting his or her own POST transcript;
 - b. A public safety agency requesting information pursuant to a background release;
 - c. A public safety agency requesting an employee officer's information;
 - d. Any governmental agency requesting information for the purpose of determining an individual's eligibility for professional licensure or certification;
 - e. Discovery requests or other requests made pursuant to pending court action;
 - f. Subpoenas duces tecum; or
 - g. Requests for information from a criminal justice agency when the information is requested for the purpose of conducting a legally authorized investigation.
2. If POST's Administrative Assistant is unavailable, the requester may submit POST's Public Information Request Form to POST's Executive Assistant via mail or email.

Section 2: Process for Responding to Public Information Requests

1. Upon receipt of a POST Public Information Request Form, the Administrative Assistant will record the following information:
 - a. The identity of the requester;
 - b. What information is requested;
 - c. The date of the request; and
 - d. Indicate the request is “in progress.”
2. Within five business days, the Administrative Assistant will consult with the Director or POST staff to determine which staff member should respond to the request. The Administrative Assistant will then contact the requester to acknowledge receipt of the request, and to inform the requester who will be responding to the request. If this acknowledgement is made by the Administrative Assistant via email, the staff member responsible for responding to the request will be copied.
3. Within five business days of the Administrative Assistant’s acknowledgement, the responding staff member will provide one of the following to the requester:
 - a. If the request is for a single, specific, clearly identifiable, and readily available public record, the responding staff member will provide the record; or
 - b. If the request is not for a single, specific, clearly identifiable, and readily available public record, the responding staff member will provide an estimate of the time it will take to provide the information, and any fees that may be charged for fulfilling the request.
 - i. Fees may be charged for any request that exceeds 50 pages of copying, more than one hour of staff time, or more than 30 minutes (.5 hours) of attorney time. See Attachment A.
 - ii. Upon notifying the requester of fees, POST’s time to respond to the request will be suspended until payment is received.
4. Upon the requester’s payment of fees, or upon notification of the estimate of time to fulfill the request when no fees are charged, the responding staff member will provide the requested information within 90 days.
5. If the Executive Director determines that additional time is necessary to respond to any public information request, the Executive Director or the Director’s designee will inform the requester in writing, explaining the reasons for the additional time required. The responding staff member will be notified of the written explanation and will produce the information within 6 months of acknowledgment or payment.

6. If the responding staff member requests additional information or clarification of an information request, the response time will be suspended until the requester has provided the requested information or clarification. If the request for additional information or clarification is denied by the individual requesting the public information, that denial must be made in writing. If, after 30 days of the responding staff members request, the individual requesting public information fails to respond to a request for clarification or additional information, POST may close the request upon written notice to the person requesting the public information.
7. The POST Administrative Assistant will record a public information request as closed when the public information is produced, when the request is denied, or when the requester is notified of closure pursuant to paragraph 6, above.
8. POST will maintain electronic copies of every public information request and all related correspondence and responses under the applicable record retention policy.

Section 3 Reporting

1. POST will publish, on its website, information regarding the number of public information requests made pursuant to this process and the length of time it took for POST to respond to requests for public information. The information will be updated quarterly and will include:
 - a. Each request for public information received by POST;
 - b. A description of the responses from POST to each request for public information;
 - c. The total number of requests for public information received by POST;
 - d. The identity of each requester;
 - e. The information requested;
 - f. The date of each request;
 - g. The date on which each request was closed;
 - h. The number of hours it took for POST to respond to the request;
 - i. The costs imposed on the requester, if any; and
 - j. Statistics, which could include graphs or charts, regarding the number of public information requests POST has received and the length of time it took for POST to close the request.
2. Beginning July 1, 2024, POST will provide quarterly reports to the Legislative Finance Committee, which will include the above information.

Attachment A

POST Public Records Request Fee Schedule	
Photocopying	
Photocopying Charges, including staff time spent copying or scanning	\$0.35 per page in excess of 50 pages
Staff time to prepare material for production	Actual Cost
If the request is for extraordinarily voluminous material, POST may have copies made by Print and Mail Services	Actual Cost
Electronic Media Copies	
Electronic Media Copies – Staff time for copying electronic files	Actual Cost
Electronic media	Actual Cost
Mainframe and mid-tier processing charges, including processing time, transmission time, and report writing charges	Actual Cost
Email export	\$127.78 per hour
Other State ITSD Services	Actual Cost per rate schedule at http://sitsdservicecatalog.mt.gov/services
Legal Review	
Legal Review and/or Redactions	Actual Cost per hour after .5 hours of Attorney time and/or after 1 hour of staff time
Research and/or analysis whether involving paper or electronic records	Actual Cost per hour after .5 hours of Attorney time and/or after 1 hour of staff time

Attachment B

The POST Council has established the following guidelines for responses to Requests for Public Information made pursuant to this policy:

Request for individual officer's POST Transcript: transcript produced in pdf format, with the officer's personal information removed or redacted (date of birth, photograph, personal contact information, etc.).

Request for POST investigation information: POST staff will coordinate with legal counsel to make a case-by-case determination regarding what information may be produced.

Request for information on a sanctioned officer: The identity of sanctioned officers will be provided absent case-specific privacy or safety concerns that outweigh the public's right to know.

Request for a officer list or other export of information from POST's database: staff may respond with either csv or pdf files as appropriate, except that staff will not release an officer's name, date of birth, contact information, or any other identifying information. Officers may be identified by a randomly generated and deidentified number from POST's database. POST will not release any internal data-entry information.

Request for training information: POST staff will provide a pdf copy of the application for POST training credit. If the request is for training material in POST's possession, POST staff may provide the material in its native format or pdf format as appropriate. POST will not produce information identifying any attendees of a specific training course, such as the attendees' names, email addresses, dates of birth, etc.

Other information requests: POST staff will consult with the Executive Director, and legal counsel where appropriate, regarding other information requests not covered by the above categories, and may present the request to the POST Council for review in appropriate cases where additional direction is needed.