

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

Date: 12/14/2023 Weekly Agenda Date: 12/19/2023

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Chairman Ung

WORDING FOR AGENDA ITEM:

Open discussion of best practices regarding open records requests and how the county may improve its communication or implementation of Chapter 22 to serve the interests of both the public requesters and the public taxpayer

ACTION REQUIRED:

Approve Ordinance Approve Resolution Approve Motion
Public Hearing Other: Informational Attachments

EXECUTIVE SUMMARY:

Open records requests have increased over the years--in frequency, scope, and legal review requirements. It would benefit all involved to discuss best practices and how to ensure consistency.

BACKGROUND:

Woodbury County currently has no open records policy, but it is not required to have one. If a policy was adopted, ideally all elected offices and associated legal entities (e.g. LEC Authority) would be involved in and endorse the result, for consistency's sake. In any case, Chapter 22 is being and would be followed. I know that KTIV plans to be involved in this discussion.

FINANCIAL IMPACT:

The county has full-time employees in IT and the Attorney's Office which absorbs certain costs which other legal entities connected to the county do not have. Also, the costs to requesters must be reasonable and actual, but there is some confusion about costs leading up to estimates/proposals/revised requests.

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes No

RECOMMENDATION:

Options to select by consensus:
1) Make no change in practice, but improve communication through this discussion and dissemination of information.
2) Recommend the board consider and adopt a policy at subsequent meetings, and begin revisions on attached template from Johnson County (or others).
3) Refer (by consensus or future motion) to the Policy Review Committee for a recommendation.

ACTION REQUIRED / PROPOSED MOTION:

At this point, I am not recommending a certain course of action or motion, but see a few options to consider, as listed above. All of the above would rely on close coordination with and availability from the County Attorney's Office.

CHAPTER 22

EXAMINATION OF PUBLIC RECORDS (OPEN RECORDS)

Referred to in §2.42, 7C.13, 8B.4A, 8C.4, 8C.5, 10A.105, 11.42, 15.106A, 15.107C, 15.118, 15.318, 15E.46, 16.2D, 16.81, 21.10, 23.1, 23.2, 23.5, 23.6, 23.7, 23.8, 23.10, 23.11, 23B.3, 28A.9, 28E.6, 28F.13, 28J.28, 39A.4, 49.75, 80F.1, 84A.1A, 84A.4, 84A.14, 87.11, 88.6, 88.16, 91.12, 97A.5, 97B.17, 99D.19, 99E.4, 99E.8, 99F.12, 99G.4, 99G.10, 99G.34, 99G.35, 100C.3, 101A.2, 103A.17, 124E.19, 135.43, 135D.7, 137.109, 144.43, 159.34, 159A.14, 162.2A, 162.10C, 183A.5, 203.16, 203C.24, 204.4, 214A.36, 217.45, 231B.2, 231C.3, 235A.15, 235B.6, 235D.1, 235E.2, 237.18, 237.21, 252B.9, 252B.24, 252J.2, 256E.7, 256E.12, 256F.4, 256F.10, 256H.2, 256I.7, 261.8, 261B.6, 261E.9, 266.46, 266.47, 272D.2, 279.16, 279.24, 279.38, 279.38A, 279.62, 280.30, 321.197, 321.491, 321A.3, 321N.2, 331.210A, 331.303, 331.305, 331.399, 331.909, 358C.12, 388.10, 411.5, 421.17, 421.48, 422.20, 422.72, 441.28A, 455B.105, 455B.117, 455B.179, 455K.4, 459.304, 459.312, 466.7, 473.7, 480.3, 483A.33, 502.607, 502.809, 502A.15, 505.8, 505.17, 507.10, 507.14, 507A.4, 507C.11, 507E.5, 507F.12, 508.36, 508C.12, 508C.13, 508C.18A, 508D.9, 508E.6, 508E.7, 508E.15, 510B.10, 513B.7, 515B.10, 515J.13, 518C.11, 521A.7, 521C.3, 521E.8, 521F.9, 521H.6, 521I.9, 522.8, 522B.5A, 522B.14, 523A.801, 523I.201, 523I.202, 523I.213A, 524.215, 529.2, 533.106A, 533.108, 533.501, 533A.10, 533C.507, 535B.10, 535D.15, 536.10, 536A.15, 542.7, 543B.15, 554.9523, 602.2103, 633A.5107, 679C.106, 679C.108, 685.2, 685.6, 692.18, 714.24, 715A.9A, 809A.18A, 904.602, 915.12

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22.8 Injunction to restrain 22.16 Inspection of records - state
examination. archives.
22.9 Denial of federal funds - rules.

22.1 Definitions.

As used in this chapter:

1. "Government body" means this state, or any county, city, township, school corporation, political subdivision, tax-supported district, nonprofit corporation other than a fair conducting a fair event as provided in chapter 174, whose facilities or indebtedness are supported in whole or in part with property tax revenue and which is licensed to conduct pari-mutuel wagering pursuant to chapter 99D; the governing body of a drainage or levee district as provided in chapter 468, including a board as defined in section 468.3, regardless of how the district is organized; or other entity of this state, or any branch, department, board, bureau, commission, council, committee, official, or officer of any of the foregoing or any employee delegated the responsibility for implementing the requirements of this chapter.

2. "Lawful custodian" means the government body currently in physical possession of the public record. The custodian of a public record in the physical possession of persons outside a government body is the government body owning that record. The records relating to the investment of public funds are the property of the public body responsible for the public funds. Each government body shall delegate to particular officials or employees of that government body the responsibility for implementing the requirements of this chapter and shall publicly announce the particular officials or employees to whom responsibility for implementing the requirements of this chapter has been delegated. "Lawful custodian" does not mean an automated data processing unit of a public body if the data processing unit holds the records solely as the agent of another public body, nor does it mean a unit which holds the records of other public bodies solely for storage.

3. a. "Public records" includes all records, documents, tape, or other information, stored or preserved in any medium, of or belonging to this state or any county, city, township, school corporation, political subdivision, nonprofit corporation other than a fair conducting a fair event as provided in chapter 174, whose facilities or indebtedness are supported in whole or in part with property tax revenue and which is licensed to conduct pari-mutuel wagering pursuant to chapter 99D, or tax-supported district in this state, or any branch, department, board, bureau, commission, council, or committee of any of the foregoing.

b. "Public records" also includes all records relating to the investment of public funds

including but not limited to investment policies, instructions, trading orders, or contracts, whether in the custody of the public body responsible for the public funds or a fiduciary or other third party.

[C71, 73, 75, 77, 79, 81, §68A.1]

84 Acts, ch 1145, §1; 84 Acts, ch 1185, §1

C85, §22.1

90 Acts, ch 1271, §702; 91 Acts, ch 258, §27; 92 Acts, ch 1156, §6, 7; 2004 Acts, ch 1019, §2; 2005 Acts, ch 19, §15, 126; 2009 Acts, ch 132, §2; 2009 Acts, ch 179, §32; 2010 Acts, ch 1061, §180; 2017 Acts, ch 29, §20

Referred to in §8A.101, 23.2, 455B.117, 543E.5, 721.1

22.2 Right to examine public records — exceptions.

1. Every person shall have the right to examine and copy a public record and to publish or otherwise disseminate a public record or the information contained in a public record. Unless otherwise provided for by law, the right to examine a public record shall include the right to examine a public record without charge while the public record is in the physical possession of the custodian of the public record. The right to copy a public record shall include the right to make photographs or photographic copies while the public record is in the possession of the custodian of the public record. All rights under [this section](#) are in addition to the right to obtain a certified copy of a public record under [section 622.46](#).

2. A government body shall not prevent the examination or copying of a public record by contracting with a nongovernment body to perform any of its duties or functions.

3. If feasible, the custodian of a public record may provide for the electronic examination and copying of a public record in lieu of requiring in-person examination and copying of a public record. [This subsection](#) does not apply to searches of all indexes, general and specific, of public records relating to documents, instruments, and muniments of title, for the purpose of performing title searches, real property searches, or creating real property abstracts.

4. However, notwithstanding [subsections 1 and 2](#), a government body is not required to permit access to or use of the following:

a. A geographic computer database by any person except upon terms and conditions acceptable to the governing body. The governing body shall establish reasonable rates and procedures for the retrieval of specified records, which are not confidential records, stored in the database upon the request of any person.

b. Data processing software developed by the government body or developed by a nongovernment body and used by a government body pursuant to a contractual relationship with the nongovernment body, as provided in [section 22.3A](#).

[C71, 73, 75, 77, 79, 81, §68A.2]

84 Acts, ch 1185, §2

C85, §22.2

89 Acts, ch 189, §1; 96 Acts, ch 1099, §14; 98 Acts, ch 1224, §17; 2015 Acts, ch 42, §1; 2020 Acts, ch 1103, §32, 51

Referred to in §8A.106, 8A.341, 22.14, 68B.32A, 331.608, 357A.11A, 388.9, 388.9A, 459.304, 459A.208, 502.809, 904.602

22.3 Supervision — fees.

1. The examination and copying of public records shall be done under the supervision of the lawful custodian of the records or the custodian's authorized designee. The lawful custodian shall not require the physical presence of a person requesting or receiving a copy of a public record and shall fulfill requests for a copy of a public record received in writing, by telephone, or by electronic means. Although fulfillment of a request for a copy of a public record may be contingent upon receipt of payment of reasonable expenses, the lawful custodian shall make every reasonable effort to provide the public record requested at no cost other than copying costs for a record which takes less than thirty minutes to produce. In the event expenses are necessary, such expenses shall be reasonable and communicated to the requester upon receipt of the request. A person may contest the reasonableness of the custodian's expenses as provided for in [this chapter](#). The lawful custodian may adopt and enforce reasonable rules regarding the examination and copying of the records and

the protection of the records against damage or disorganization. The lawful custodian shall provide a suitable place for the examination and copying of the records, but if it is impracticable to do the examination and copying of the records in the office of the lawful custodian, the person desiring to examine or copy shall pay any necessary expenses of providing a place for the examination and copying.

2. All reasonable expenses of the examination and copying shall be paid by the person desiring to examine or copy. The lawful custodian may charge a reasonable fee for the services of the lawful custodian or the custodian's authorized designee in supervising the examination and copying of the records. If copy equipment is available at the office of the lawful custodian of any public records, the lawful custodian shall provide any person a reasonable number of copies of any public record in the custody of the office upon the payment of a fee. The fee for the copying service as determined by the lawful custodian shall not exceed the actual cost of providing the service. Actual costs shall include only those reasonable expenses directly attributable to supervising the examination of and making and providing copies of public records. Actual costs shall not include charges for ordinary expenses or costs such as employment benefits, depreciation, maintenance, electricity, or insurance associated with the administration of the office of the lawful custodian. Costs for legal services should only be utilized for the redaction or review of legally protected confidential information. However, a county recorder shall not charge a fee for the examination and copying of public records necessary to complete and file claims for benefits with the Iowa department of veterans affairs or the United States department of veterans affairs.

[C71, 73, 75, 77, 79, 81, §68A.3]

C85, §22.3

2001 Acts, ch 44, §2; 2005 Acts, ch 103, §1; 2006 Acts, ch 1010, §14; 2020 Acts, ch 1052, §1; 2022 Acts, ch 1039, §1

Referred to in §2.42, 8A.341, 321.11, 483A.22A

Section amended

22.3A Access to data processing software.

1. As used in [this section](#):

a. "Access" means the instruction of, communication with, storage of data in, or retrieval of data from a computer.

b. "Computer" means an electronic device which performs logical, arithmetical, and memory functions by manipulations of electronic or magnetic impulses, and includes all input, output, processing, storage, and communication facilities which are connected or related to the computer including a computer network. As used in this paragraph, "computer" includes any central processing unit, front-end processing unit, miniprocessor, or microprocessor, and related peripheral equipment such as data storage devices, document scanners, data entry terminal controllers, and data terminal equipment and systems for computer networks.

c. "Computer network" means a set of related, remotely connected devices and communication facilities including two or more computers with capability to transmit data among them through communication facilities.

d. "Data" means a representation of information, knowledge, facts, concepts, or instructions that has been prepared or is being prepared in a formalized manner and has been processed, or is intended to be processed, in a computer. Data may be stored in any form, including but not limited to a printout, magnetic storage media, disk, compact disc, punched card, or as memory of a computer.

e. "Data processing software" means an ordered set of instructions or statements that, when executed by a computer, causes the computer to process data, and includes any program or set of programs, procedures, or routines used to employ and control capabilities of computer hardware. As used in this paragraph "data processing software" includes but is not limited to an operating system, compiler, assembler, utility, library resource, maintenance routine, application, computer networking program, or the associated documentation.

2. a. A government body may provide, restrict, or prohibit access to data processing

software developed by the government body or developed by a nongovernment body and used by a government body pursuant to a contractual relationship with the nongovernment body, regardless of whether the data processing software is separated or combined with a public record. A government body shall establish policies and procedures to provide access to public records which are combined with its data processing software. A public record shall not be withheld from the public because it is combined with data processing software.

b. A government body shall not acquire any electronic data processing system for the storage, manipulation, or retrieval of public records that would impair the government body's ability to permit the examination of a public record and the copying of a public record in either written or electronic form.

c. If a public record is only available as a part of or in combination with data processing software in order to permit the examination or copying of the public record, the government body shall bear the cost of separation of the public record from the data processing software.

d. An electronic public record shall be made available in the format in which it is readily accessible to the government body if that format is useable with commonly available data processing or database management software. The government body may make a public record available in a specific format requested by a person that is different from that in which the public record is readily accessible to the government body and may charge the reasonable costs of any required processing, programming, or other work required to produce the public record in the specific format in addition to any other costs allowed under [this chapter](#).

e. The cost chargeable to a person receiving a public record separated from data processing software under [this subsection](#) shall not be in excess of the charge under [this chapter](#) unless the person receiving the public record requests that the public record be specially processed or produced in a format different from that in which the public record is readily accessible to the government body.

f. A government body may establish payment rates and procedures required to provide access to data processing software, regardless of whether the data processing software is separated from or combined with a public record. Proceeds from payments may be considered repayment receipts, as defined in [section 8.2](#). The payment amount shall be calculated as follows:

(1) The amount charged for access to a public record shall be not more than that required to recover direct publication costs, including but not limited to editing, compilation, and media production costs, incurred by the government body in developing the data processing software and preparing the data processing software for transfer to the person. The amount shall be in addition to any other fee required to be paid under [this chapter](#) for the examination and copying of a public record. If a person accesses a public record stored in an electronic format that does not require formatting, editing, or compiling to access the public record, the charge for providing the accessed public record shall not exceed the reasonable cost of accessing that public record. The government body shall, if requested, provide documentation which explains and justifies the amount charged. This subparagraph shall not apply to any publication for which a price has been established pursuant to another section, including [section 2A.5](#).

(2) If access to the data processing software is provided to a person for a purpose other than provided in subparagraph (1), the amount may be established according to the discretion of the government body, and may be based upon competitive market considerations as determined by the government body.

3. A government body is granted and may apply for and receive any legal protection necessary to secure a right to or an interest in data processing software developed by the government body, including but not limited to federal copyright, patent, and trademark protections, and any trade secret protection available under [chapter 550](#). The government body may enter into agreements for the sale or distribution of its data processing software, including marketing and licensing agreements. The government body may impose

conditions upon the use of the data processing software that is otherwise consistent with state and federal law.

96 Acts, ch 1099, §15; 98 Acts, ch 1224, §18; 99 Acts, ch 207, §12; 2003 Acts, ch 35, §38, 49; 2011 Acts, ch 127, §45, 89; 2015 Acts, ch 42, §2

Referred to in §8A.341, 8B.32, 22.2, 22.7(33), 169A.1

22.4 Public records requests.

The rights of persons under [this chapter](#) may be exercised under any of the following circumstances:

1. In person, at any time during the customary office hours of the lawful custodian of the records. However, if the lawful custodian does not have customary office hours of at least thirty hours per week, such right may be exercised at any time from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m. Monday through Friday, excluding legal holidays, unless the person exercising such right and the lawful custodian agree on a different time.

2. In writing, by telephone, or by electronic means. The lawful custodian of the records shall post information for making such requests in a manner reasonably calculated to apprise the public of that information.

[C71, 73, 75, 77, 79, 81, §68A.4]

84 Acts, ch 1185, §3

C85, §22.4

2020 Acts, ch 1103, §33, 51

Referred to in §8A.341

22.5 Enforcement of rights.

The provisions of [this chapter](#) and all rights of persons under [this chapter](#) may be enforced by mandamus or injunction, whether or not any other remedy is also available. In the alternative, rights under [this chapter](#) also may be enforced by an action for judicial review according to the provisions of the Iowa administrative procedure Act, [chapter 17A](#), if the records involved are records of an “agency” as defined in that Act.

[C71, 73, 75, 77, 79, 81, §68A.5]

84 Acts, ch 1185, §4

C85, §22.5

2003 Acts, ch 44, §114

Referred to in §8A.341

22.6 Penalty. Repealed by 2011 Acts, ch 106, §16, 17.

22.7 Confidential records.

The following public records shall be kept confidential, unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release such information:

1. Personal information in records regarding a student, prospective student, or former student maintained, created, collected or assembled by or for a school corporation or educational institution maintaining such records. [This subsection](#) shall not be construed to prohibit a postsecondary education institution from disclosing to a parent or guardian information regarding a violation of a federal, state, or local law, or institutional rule or policy governing the use or possession of alcohol or a controlled substance if the child is under the age of twenty-one years and the institution determines that the student committed a disciplinary violation with respect to the use or possession of alcohol or a controlled substance regardless of whether that information is contained in the student’s education records. [This subsection](#) shall not be construed to prohibit a school corporation or educational institution from transferring student records electronically to the department of education, an accredited nonpublic school, an attendance center, a school district, or an accredited postsecondary institution in accordance with [section 256.9, subsection 44](#).

2. Hospital records, medical records, and professional counselor records of the condition, diagnosis, care, or treatment of a patient or former patient or a counselee or former counselee, including outpatient. However, confidential communications between a crime

victim and the victim's counselor are not subject to disclosure except as provided in [section 915.20A](#). However, the Iowa department of public health shall adopt rules which provide for the sharing of information among agencies and providers concerning the maternal and child health program including but not limited to the statewide child immunization information system, while maintaining an individual's confidentiality.

3. Trade secrets which are recognized and protected as such by law.

4. Records which represent and constitute the work product of an attorney, which are related to litigation or claim made by or against a public body.

5. Peace officers' investigative reports, privileged records or information specified in [section 80G.2](#), and specific portions of electronic mail and telephone billing records of law enforcement agencies if that information is part of an ongoing investigation, except where disclosure is authorized elsewhere in this Code. However, the date, time, specific location, and immediate facts and circumstances surrounding a crime or incident shall not be kept confidential under [this section](#), except in those unusual circumstances where disclosure would plainly and seriously jeopardize an investigation or pose a clear and present danger to the safety of an individual. Specific portions of electronic mail and telephone billing records may only be kept confidential under [this subsection](#) if the length of time prescribed for commencement of prosecution or the finding of an indictment or information under the statute of limitations applicable to the crime that is under investigation has not expired.

5A. a. A crisis intervention report generated by a law enforcement agency regarding a person experiencing a mental health crisis, substance-related disorder crisis, or housing crisis, when the report is generated for the specific purpose of providing crisis intervention information to assist peace officers under any of the following circumstances:

(1) De-escalating conflicts.

(2) Referring a person experiencing a mental health crisis, substance-related disorder crisis, or housing crisis to a mental health treatment provider, substance-related disorder treatment provider, homeless service provider, or any other appropriate service provider.

b. A crisis intervention report generated for the purposes of [this subsection](#) shall be made available to the person who is the subject of the report upon the request of the person who is the subject of the report, and may be provided to a mental health treatment provider, substance-related disorder treatment provider, homeless service provider, or any other appropriate service provider in connection with a referral for services.

c. Crisis intervention reports generated for the purposes of [this subsection](#) are not peace officers' investigative reports under [subsection 5](#).

d. Notwithstanding other provisions of [this subsection](#), the date, time, specific location, and immediate facts and circumstances surrounding a crime or incident shall not be kept confidential under [this subsection](#), except where disclosure would pose a clear and present danger to the safety of the person subject to the crisis intervention report or the safety of others.

e. For the purposes of [this subsection](#):

(1) "Crisis intervention report" or "report" means a report generated by a law enforcement agency using a prescribed form created by the department of justice to record the following information relevant to assess the nature of a crisis:

(a) Any biological or chemical causes of the crisis.

(b) Any observed demeanors and behaviors of the person experiencing the crisis.

(c) Persons notified in relation to the crisis.

(d) Whether suicide or injuries occurred in relation to the crisis and the extent of those injuries.

(e) Whether weapons were involved in the crisis and a description of the weapon.

(f) The disposition of the crisis intervention and any crime committed.

(2) "Housing crisis" means a situation where a person is experiencing homelessness, a lack of adequate or safe housing, or is in imminent danger of homelessness or lack of adequate or safe housing.

6. Reports to governmental agencies which, if released, would give advantage to competitors and serve no public purpose.

7. Appraisals or appraisal information concerning the sale or purchase of real or personal

property for public purposes, prior to the execution of any contract for such sale or the submission of the appraisal to the property owner or other interest holders as provided in [section 6B.45](#).

8. Economic development authority information on an industrial prospect with which the authority is currently negotiating.

9. Criminal identification files of law enforcement agencies. However, records of current and prior arrests and criminal history data shall be public records.

10. A claim for compensation and reimbursement for legal assistance and supporting documents submitted to the state public defender for payment from the indigent defense fund established in [section 815.11](#), as provided in [section 13B.4A](#).

11. *a.* Personal information in confidential personnel records of government bodies relating to identified or identifiable individuals who are officials, officers, or employees of the government bodies. However, the following information relating to such individuals contained in personnel records shall be public records, except as otherwise provided in [section 80G.3](#):

(1) The name and compensation of the individual including any written agreement establishing compensation or any other terms of employment excluding any information otherwise excludable from public information pursuant to [this section](#) or any other applicable provision of law. For purposes of this paragraph, “*compensation*” means payment of, or agreement to pay, any money, thing of value, or financial benefit conferred in return for labor or services rendered by an official, officer, or employee plus the value of benefits conferred including but not limited to casualty, disability, life, or health insurance, other health or wellness benefits, vacation, holiday, and sick leave, severance payments, retirement benefits, and deferred compensation.

(2) The dates the individual was employed by the government body.

(3) The positions the individual holds or has held with the government body.

(4) The educational institutions attended by the individual, including any diplomas and degrees earned, and the names of the individual’s previous employers, positions previously held, and dates of previous employment.

(5) The fact that the individual resigned in lieu of termination, was discharged, or was demoted as the result of a disciplinary action, and the documented reasons and rationale for the resignation in lieu of termination, the discharge, or the demotion. For purposes of this subparagraph, “*demoted*” and “*demotion*” mean a change of an employee from a position in a given classification to a position in a classification having a lower pay grade.

b. Personal information in confidential personnel records of government bodies relating to student employees shall only be released pursuant to 20 U.S.C. §1232g.

12. Financial statements submitted to the department of agriculture and land stewardship pursuant to [chapter 203](#) or [chapter 203C](#), by or on behalf of a licensed grain dealer or warehouse operator or by an applicant for a grain dealer license or warehouse license.

13. The records of a library which, by themselves or when examined with other public records, would reveal the identity of the library patron checking out or requesting an item or information from the library. The records shall be released to a criminal or juvenile justice agency only pursuant to an investigation of a particular person or organization suspected of committing a known crime. The records shall be released only upon a judicial determination that a rational connection exists between the requested release of information and a legitimate end and that the need for the information is cogent and compelling.

14. The material of a library, museum or archive which has been contributed by a private person to the extent of any limitation that is a condition of the contribution.

15. Information concerning the procedures to be used to control disturbances at adult correctional institutions. Such information shall also be exempt from public inspection under [section 17A.3](#). As used in [this subsection](#) disturbance means a riot or a condition that can reasonably be expected to cause a riot.

16. Information in a report to the Iowa department of public health, to a local board of health, or to a local health department, which identifies a person infected with a reportable disease.

17. Records of identity of owners of public bonds or obligations maintained as provided

in [section 76.10](#) or by the issuer of the public bonds or obligations. However, the issuer of the public bonds or obligations and a state or federal agency shall have the right of access to the records.

18. Communications not required by law, rule, procedure, or contract that are made to a government body or to any of its employees by identified persons outside of government, to the extent that the government body receiving those communications from such persons outside of government could reasonably believe that those persons would be discouraged from making them to that government body if they were available for general public examination. As used in [this subsection](#), “*persons outside of government*” does not include persons or employees of persons who are communicating with respect to a consulting or contractual relationship with a government body or who are communicating with a government body with whom an arrangement for compensation exists. Notwithstanding this provision:

a. The communication is a public record to the extent that the person outside of government making that communication consents to its treatment as a public record.

b. Information contained in the communication is a public record to the extent that it can be disclosed without directly or indirectly indicating the identity of the person outside of government making it or enabling others to ascertain the identity of that person.

c. Information contained in the communication is a public record to the extent that it indicates the date, time, specific location, and immediate facts and circumstances surrounding the occurrence of a crime or other illegal act, except to the extent that its disclosure would plainly and seriously jeopardize a continuing investigation or pose a clear and present danger to the safety of any person. In any action challenging the failure of the lawful custodian to disclose any particular information of the kind enumerated in this paragraph, the burden of proof is on the lawful custodian to demonstrate that the disclosure of that information would jeopardize such an investigation or would pose such a clear and present danger.

19. Examinations, including but not limited to cognitive and psychological examinations for law enforcement officer candidates administered by or on behalf of a governmental body, to the extent that their disclosure could reasonably be believed by the custodian to interfere with the accomplishment of the objectives for which they are administered.

20. Information concerning the nature and location of any archaeological resource or site if, in the opinion of the state archaeologist, disclosure of the information will result in unreasonable risk of damage to or loss of the resource or site where the resource is located. [This subsection](#) shall not be construed to interfere with the responsibilities of the federal government or the state historic preservation officer pertaining to access, disclosure, and use of archaeological site records.

21. Information concerning the nature and location of any ecologically sensitive resource or site if, in the opinion of the director of the department of natural resources after consultation with the state ecologist, disclosure of the information will result in unreasonable risk of damage to or loss of the resource or site where the resource is located. [This subsection](#) shall not be construed to interfere with the responsibilities of the federal government or the director of the department of natural resources and the state ecologist pertaining to access, disclosure, and use of the ecologically sensitive site records.

22. Reports or recommendations of the Iowa insurance guaranty association filed or made pursuant to [section 515B.10, subsection 1](#), paragraph “a”, subparagraph (2).

23. Information or reports collected or submitted pursuant to [section 508C.12, subsections 3 and 5](#), and [section 508C.13, subsection 2](#), except to the extent that release is permitted under those sections.

24. Reserved.

25. Financial information, which if released would give advantage to competitors and serve no public purpose, relating to commercial operations conducted or intended to be conducted by a person submitting records containing the information to the department of agriculture and land stewardship for the purpose of obtaining assistance in business planning.

26. Applications, investigation reports, and case records of persons applying for county general assistance pursuant to [section 252.25](#).

27. Marketing and advertising budget and strategy of a nonprofit corporation which is subject to [this chapter](#). However, this exemption does not apply to salaries or benefits of employees who are employed by the nonprofit corporation to handle the marketing and advertising responsibilities.

28. The information contained in records of the centralized employee registry created in [chapter 252G](#), except to the extent that disclosure is authorized pursuant to [chapter 252G](#).

29. Records and information obtained or held by independent special counsel during the course of an investigation conducted pursuant to [section 68B.31A](#). Information that is disclosed to a legislative ethics committee subsequent to a determination of probable cause by independent special counsel and made pursuant to [section 68B.31](#) is not a confidential record unless otherwise provided by law.

30. Information contained in a declaration of paternity completed and filed with the state registrar of vital statistics pursuant to [section 144.12A](#), except to the extent that the information may be provided to persons in accordance with [section 144.12A](#).

31. Memoranda, work products, and case files of a mediator and all other confidential communications in the possession of a mediator, as provided in [chapters 86](#) and [216](#). Information in these confidential communications is subject to disclosure only as provided in [sections 86.44](#) and [216.15B](#), notwithstanding any other contrary provision of [this chapter](#).

32. Social security numbers of the owners of unclaimed property reported to the treasurer of state pursuant to [section 556.11](#), [subsection 2](#), included on claim forms filed with the treasurer of state pursuant to [section 556.19](#), included in outdated warrant reports received by the treasurer of state pursuant to [section 556.2C](#), or stored in record systems maintained by the treasurer of state for purposes of administering [chapter 556](#), or social security numbers of payees included on state warrants included in records systems maintained by the department of administrative services for the purpose of documenting and tracking outdated warrants pursuant to [section 556.2C](#).

33. Data processing software, as defined in [section 22.3A](#), which is developed by a government body or developed by a nongovernment body and used by a government body pursuant to a contractual relationship with the nongovernment body.

34. A record required under the Iowa financial transaction reporting Act listed in [section 529.2](#), [subsection 9](#).

35. Records of the Iowa department of public health pertaining to participants in the gambling treatment program except as otherwise provided in [this chapter](#).

36. Records of a law enforcement agency or the state department of transportation regarding the issuance of a driver's license under [section 321.189A](#).

37. Mediation communications as defined in [section 679C.102](#), except written mediation agreements that resulted from a mediation which are signed on behalf of a governing body. However, confidentiality of mediation communications resulting from mediation conducted pursuant to [chapter 216](#) shall be governed by [chapter 216](#).

38. *a.* Records containing information that would disclose, or might lead to the disclosure of, private keys used in an electronic signature or other similar technologies as provided in [chapter 554D](#).

b. Records which if disclosed might jeopardize the security of an electronic transaction pursuant to [chapter 554D](#).

39. Information revealing the identity of a packer or a person who sells livestock to a packer as reported to the department of agriculture and land stewardship pursuant to [section 202A.2](#).

39A. Information related to the registration and identification of any premises where animals are kept as authorized pursuant to the foreign animal disease preparedness and response strategy as provided in [section 163.3C](#).

40. The portion of a record request that contains an internet protocol number which identifies the computer from which a person requests a record, whether the person using such computer makes the request through the IowaAccess network or directly to a lawful

custodian. However, such record may be released with the express written consent of the person requesting the record.

41. a. Medical examiner records and reports, including preliminary reports, investigative reports, and autopsy reports.

b. Notwithstanding paragraph “a”, the following shall be released as follows:

(1) Medical examiner-authored records and reports, including preliminary reports, investigative reports, and autopsy reports, shall be released to a law enforcement agency that is investigating the death, upon the request of the law enforcement agency.

(2) Preliminary reports of investigations by the medical examiner and autopsy reports for a decedent by whom an anatomical gift was made in accordance with [chapter 142C](#) shall be released to a procurement organization as defined in [section 142C.2](#), upon the request of such procurement organization, unless such disclosure would jeopardize an investigation or pose a clear and present danger to the public safety or the safety of an individual.

(3) Autopsy reports shall be released to the decedent’s immediate next of kin, upon the request of the decedent’s immediate next of kin, unless disclosure to the decedent’s immediate next of kin would jeopardize an investigation or pose a clear and present danger to the public safety or the safety of an individual.

c. Information regarding the cause and manner of death shall not be kept confidential under [this subsection](#), unless disclosure would jeopardize an investigation or pose a clear and present danger to the public safety or the safety of an individual.

42. Information obtained by the commissioner of insurance in the course of an investigation as provided in [section 523C.23](#).

43. Information obtained by the commissioner of insurance pursuant to [section 502.607](#).

44. Information provided to the court and state public defender pursuant to [section 13B.4, subsection 5](#); [section 814.11, subsection 7](#); or [section 815.10, subsection 5](#).

45. The critical asset protection plan or any part of the plan prepared pursuant to [section 29C.8](#) and any information held by the department of homeland security and emergency management that was supplied to the department by a public or private agency or organization and used in the development of the critical asset protection plan to include, but not be limited to, surveys, lists, maps, or photographs. Communications and asset information not required by law, rule, or procedure that are provided to the director by persons outside of government and for which the director has signed a nondisclosure agreement are exempt from public disclosures. The department of homeland security and emergency management may provide all or part of the critical asset plan to federal, state, or local governmental agencies which have emergency planning or response functions if the director is satisfied that the need to know and intended use are reasonable. An agency receiving critical asset protection plan information from the department shall not disseminate the information without prior approval of the director.

46. Military personnel records recorded by the county recorder pursuant to [section 331.608](#).

47. A report regarding interest held in agricultural land required to be filed pursuant to [chapter 10B](#).

48. Sex offender registry records under [chapter 692A](#), except as provided in [section 692A.121](#).

49. Confidential information, as defined in [section 86.45, subsection 1](#), filed with the workers’ compensation commissioner.

50. Information and records concerning physical infrastructure, cyber security, critical infrastructure, security procedures, or emergency preparedness developed, maintained, or held by a government body for the protection of life or property, if disclosure could reasonably be expected to jeopardize such life or property.

a. Such information and records include but are not limited to information directly related to vulnerability assessments; information contained in records relating to security measures such as security and response plans, security codes and combinations, passwords, restricted area passes, keys, and security or response procedures; emergency response protocols; and information contained in records that if disclosed would significantly increase the vulnerability of critical physical systems or infrastructures to attack.

b. For purposes of [this subsection](#), “cyber security information and records” include but are not limited to information and records relating to cyber security defenses, threats, attacks, or general attempts to attack cyber system operations.

51. The information contained in the information program established in [section 124.551](#), except to the extent that disclosure is authorized pursuant to [section 124.553](#).

52. a. The following records relating to a charitable donation made to a foundation acting solely for the support of an institution governed by the state board of regents, to the board of the Iowa state fair foundation when the record relates to a gift for deposit in or expenditure from the Iowa state fairgrounds trust fund as provided in [section 173.22A](#), to a foundation acting solely for the support of an institution governed by [chapter 260C](#), to a private foundation as defined in section 509 of the Internal Revenue Code organized for the support of a government body, or to an endow Iowa qualified community foundation, as defined in [section 15E.303](#), organized for the support of a government body:

(1) Portions of records that disclose a donor’s or prospective donor’s personal, financial, estate planning, or gift planning matters.

(2) Records received from a donor or prospective donor regarding such donor’s prospective gift or pledge.

(3) Records containing information about a donor or a prospective donor in regard to the appropriateness of the solicitation and dollar amount of the gift or pledge.

(4) Portions of records that identify a prospective donor and that provide information on the appropriateness of the solicitation, the form of the gift or dollar amount requested by the solicitor, and the name of the solicitor.

(5) Portions of records disclosing the identity of a donor or prospective donor, including the specific form of gift or pledge that could identify a donor or prospective donor, directly or indirectly, when such donor has requested anonymity in connection with the gift or pledge. This subparagraph does not apply to a gift or pledge from a publicly held business corporation.

b. The confidential records described in paragraph “a”, subparagraphs (1) through (5), shall not be construed to make confidential those portions of records disclosing any of the following:

(1) The amount and date of the donation.

(2) Any donor-designated use or purpose of the donation.

(3) Any other donor-imposed restrictions on the use of the donation.

(4) When a pledge or donation is made expressly conditioned on receipt by the donor, or any person related to the donor by blood or marriage within the third degree of consanguinity, of any privilege, benefit, employment, program admission, or other special consideration from the government body, a description of any and all such consideration offered or given in exchange for the pledge or donation.

c. Except as provided in paragraphs “a” and “b”, portions of records relating to the receipt, holding, and disbursement of gifts made for the benefit of regents institutions and made through foundations established for support of regents institutions, including but not limited to written fund-raising policies and documents evidencing fund-raising practices, shall be subject to [this chapter](#).

d. [This subsection](#) does not apply to a report filed with the Iowa ethics and campaign disclosure board pursuant to [section 8.7](#).

53. Information obtained and prepared by the commissioner of insurance pursuant to [section 507.14](#).

54. Information obtained and prepared by the commissioner of insurance pursuant to [section 507E.5](#).

55. An intelligence assessment and intelligence data under [chapter 692](#), except as provided in [section 692.8A](#).

56. Individually identifiable client information contained in the records of the state database created as a homeless management information system pursuant to standards developed by the United States department of housing and urban development and utilized by the economic development authority.

57. The following information contained in the records of any governmental body relating to any form of housing assistance:

- a. An applicant's social security number.
- b. An applicant's personal financial history.
- c. An applicant's personal medical history or records.

d. An applicant's current residential address when the applicant has been granted or has made application for a civil or criminal restraining order for the personal protection of the applicant or a member of the applicant's household.

58. Information filed with the commissioner of insurance pursuant to [sections 523A.204, 523A.205, 523A.206, 523A.207, 523A.401, 523A.502A, and 523A.803](#).

59. The information provided in any report, record, claim, or other document submitted to the treasurer of state pursuant to [chapter 556](#) concerning unclaimed or abandoned property, except the name and last known address of each person appearing to be entitled to unclaimed or abandoned property paid or delivered to the treasurer of state pursuant to that chapter.

60. Information in a record that would permit a governmental body subject to [chapter 21](#) to hold a closed session pursuant to [section 21.5](#) in order to avoid public disclosure of that information, until such time as final action is taken on the subject matter of that information. Any portion of such a record not subject to [this subsection](#), or not otherwise confidential, shall be made available to the public. After the governmental body has taken final action on the subject matter pertaining to the information in that record, [this subsection](#) shall no longer apply. [This subsection](#) shall not apply more than ninety days after a record is known to exist by the governmental body, unless it is not possible for the governmental body to take final action within ninety days. The burden shall be on the governmental body to prove that final action was not possible within the ninety-day period.

61. Records of the department on aging pertaining to clients served by the state office or a local office of public guardian as defined in [section 231E.3](#).

62. Records maintained by the department on aging or office of long-term care ombudsman that disclose the identity of a complainant, resident, tenant, or individual receiving services provided by the department on aging, an area agency on aging, or the office of long-term care ombudsman, unless disclosure is otherwise allowed under [section 231.42, subsection 12](#), paragraph "a".

63. Information obtained by the superintendent of credit unions in connection with a complaint response process as provided in [section 533.501, subsection 3](#).

64. Information obtained by the commissioner of insurance in the course of an examination of a cemetery as provided in [section 523I.213A, subsection 7](#).

65. Tentative, preliminary, draft, speculative, or research material, prior to its completion for the purpose for which it is intended and in a form prior to the form in which it is submitted for use or used in the actual formulation, recommendation, adoption, or execution of any official policy or action by a public official authorized to make such decisions for the governmental body or the government body. [This subsection](#) shall not apply to public records that are actually submitted for use or are used in the formulation, recommendation, adoption, or execution of any official policy or action of a governmental body or a government body by a public official authorized to adopt or execute official policy for the governmental body or the government body.

66. Personal information contained on electronic driver's license or nonoperator's identification card records that is provided by the licensee or card holder to the department of transportation for use by law enforcement, first responders, emergency medical service providers, and other medical personnel responding to or assisting with an emergency.

67. Electronic mail addresses of individuals or phone numbers of individuals, and personally identifiable information about those individuals, collected by state departments and agencies for the sole purpose of disseminating emergency or routine information and notices through electronic communications that are not prepared for a specific recipient.

68. Information required to be provided by a disclosing entity pursuant to [42 C.F.R. §455.104](#), pertaining to an individual with an ownership or control interest who is an officer or director of a nonprofit corporation.

69. The evidence of public employee support for the certification, retention and

recertification, or decertification of an employee organization as defined in [section 20.3](#) that is submitted to the public employment relations board as provided in [section 20.14](#) or [20.15](#).

70. Information indicating whether a public employee voted in a certification, retention and recertification, or decertification election held pursuant to [section 20.15](#) or how the employee voted on any question on a ballot in such an election.

71. Information and records related to cyber security information or critical infrastructure, the disclosure of which may expose or create vulnerability to critical infrastructure systems, held by the utilities board of the department of commerce or the department of homeland security and emergency management for purposes relating to the safeguarding of telecommunications, electric, water, sanitary sewage, storm water drainage, energy, hazardous liquid, natural gas, or other critical infrastructure systems. For purposes of this subsection, “*cyber security information*” includes but is not limited to information relating to cyber security defenses, threats, attacks, or general attempts to attack cyber system operations.

72. The voter verification number, as defined in [section 53.2, subsection 4](#), paragraph “c”, that is assigned to a voter and maintained and updated in the statewide voter registration system.

73. The personal identification number assigned by the state commissioner of elections pursuant to [section 48A.10A, subsection 1](#).

74. Personal information as defined in [section 22A.1](#).

75. Identifying information submitted to the department of revenue from a distributor pursuant to [section 455C.2, subsection 2](#), paragraph “b”. However, [this subsection](#) shall not be construed to prohibit the dissemination of aggregated information that does not identify a specific distributor.

[C71, 73, 75, 77, 79, 81, §68A.7; 81 Acts, ch 36, §1, ch 37, §1, ch 38, §1, ch 62, §4]

83 Acts, ch 90, §9; 84 Acts, ch 1014, §1; 84 Acts, ch 1185, §5, 6

C85, §22.7

85 Acts, ch 134, §16; 85 Acts, ch 175, §1; 85 Acts, ch 208, §1; 86 Acts, ch 1184, §1; 86 Acts, ch 1228, §1; 87 Acts, ch 223, §20; 88 Acts, ch 1010, §1; 88 Acts, ch 1256, §1; 89 Acts, ch 194, §1; 89 Acts, ch 304, §102; 89 Acts, ch 311, §22; 90 Acts, ch 1017, §1; 90 Acts, ch 1271, §703; 92 Acts, ch 1212, §3; 93 Acts, ch 79, §2; 93 Acts, ch 163, §27; 94 Acts, ch 1023, §76; 94 Acts, ch 1064, §1; 94 Acts, ch 1092, §1; 94 Acts, ch 1174, §1; 95 Acts, ch 100, §1; 95 Acts, ch 129, §1; 95 Acts, ch 191, §1; 96 Acts, ch 1037, §1; 96 Acts, ch 1099, §16; 96 Acts, ch 1133, §38; 96 Acts, ch 1150, §1; 96 Acts, ch 1212, §10; 97 Acts, ch 92, §1; 97 Acts, ch 159, §1; 98 Acts, ch 1062, §8, 9; 98 Acts, ch 1073, §9; 98 Acts, ch 1090, §59, 84; 99 Acts, ch 88, §1, 11, 13; 99 Acts, ch 146, §43; 2000 Acts, ch 1014, §1; 2000 Acts, ch 1140, §1; 2000 Acts, ch 1147, §27; 2000 Acts, ch 1161, §1; 2000 Acts, ch 1189, §25; 2001 Acts, ch 24, §17; 2001 Acts, ch 108, §1; 2002 Acts, ch 1038, §1; 2002 Acts, ch 1067, §13; 2002 Acts, ch 1076, §2; 2002 Acts, ch 1098, §1; 2002 Acts, ch 1117, §53, 56; 2003 Acts, ch 114, §1; 2003 Acts, ch 145, §286; 2003 Acts, ch 179, §157; 2004 Acts, ch 1091, §3; 2004 Acts, ch 1104, §4; 2004 Acts, ch 1147, §6; 2004 Acts, ch 1161, §65, 68; 2004 Acts, ch 1175, §462, 468; 2005 Acts, ch 19, §16; 2005 Acts, ch 68, §2; 2005 Acts, ch 168, §8, 23; 2006 Acts, ch 1054, §1, 2; 2006 Acts, ch 1117, §2; 2006 Acts, ch 1122, §1; 2006 Acts, ch 1127, §1; 2006 Acts, ch 1147, §1, 11; 2006 Acts, ch 1148, §1; 2006 Acts, ch 1185, §57, 58, 92; 2007 Acts, ch 37, §1; 2007 Acts, ch 62, §1; 2007 Acts, ch 126, §11; 2007 Acts, ch 175, §1; 2008 Acts, ch 1032, §201; 2008 Acts, ch 1144, §2, 12, 13; 2008 Acts, ch 1191, §34, 99; 2009 Acts, ch 23, §6; 2009 Acts, ch 48, §1; 2009 Acts, ch 119, §33; 2010 Acts, ch 1121, §1; 2011 Acts, ch 20, §3; 2011 Acts, ch 30, §1; 2011 Acts, ch 79, §2; 2011 Acts, ch 106, §8 – 10, 17; 2011 Acts, ch 118, §39, 85, 89; 2012 Acts, ch 1086, §1; 2012 Acts, ch 1115, §2, 17; 2013 Acts, ch 18, §4; 2013 Acts, ch 29, §7; 2013 Acts, ch 103, §1; 2013 Acts, ch 116, §2; 2013 Acts, ch 129, §47; 2014 Acts, ch 1136, §23; 2015 Acts, ch 42, §3; 2015 Acts, ch 60, §1; 2015 Acts, ch 128, §1, 50, 51; 2015 Acts, ch 138, §12, 161, 162; 2016 Acts, ch 1018, §1; 2016 Acts, ch 1085, §1, 3; 2017 Acts, ch 2, §19, 20, 26, 27, 50, 53, 54; 2017 Acts, ch 21, §1, 2; 2017 Acts, ch 54, §13; 2017 Acts, ch 110, §1; 2017

Acts, ch 122, §1, 2; 2017 Acts, ch 156, §1; 2018 Acts, ch 1041, §119; 2018 Acts, ch 1048, §1; 2021 Acts, ch 120, §1; 2021 Acts, ch 149, §2; 2022 Acts, ch 1071, §1; 2022 Acts, ch 1139, §1, 20

Referred to in §2C.9, 10B.5, 15.274, 21.5, 22.10, 22.15, 29C.17A, 34A.7A, 47.1, 68B.31, 68B.32B, 76.11, 80B.13A, 80G.1, 87.11, 99D.19, 99E.8, 99F.12, 99G.34, 100.5, 124.553, 135.43, 135O.4, 136A.7, 147A.26, 159A.14, 163.3C, 166D.10, 173.22A, 202A.2, 203.11B, 203D.4, 206.23A, 206.23B, 214A.36, 232.149, 252G.5, 263B.10, 266.46, 266.47, 279.51A, 280.19A, 299A.11, 321.189A, 388.2A, 452A.33, 455B.117, 455C.2, 462A.7, 465C.14, 466B.43, 466B.44, 466B.47, 466B.49, 468.17A, 476.74, 477A.7, 510C.2, 515.103, 515J.13, 521A.7, 523A.204, 523A.205, 523A.206, 523A.207, 523A.401, 523A.502A, 523A.803, 523C.23, 556.24A, 692.8A, 692.18, 692C.1, 708.2B, 716.6B, 901.5B, 901C.2, 901C.3, 907.4, 907.9, 915.90

Future repeal of subsection 39 if substantially similar federal legislation or regulation is implemented; finding and order by secretary of agriculture; 99 Acts, ch 88, §11

2017 amendment to subsection 11, paragraph a, subparagraph (5) takes effect February 17, 2017, and applies to all information described in subparagraph (5), as amended, relating to information placed in an individual's personnel records on or after February 17, 2017; 2017 Acts, ch 2, §53, 54

Subsection 75 effective January 1, 2023; 2022 Acts, ch 1139, §20

NEW subsections 5A and 75

22.8 Injunction to restrain examination.

1. The district court may grant an injunction restraining the examination, including copying, of a specific public record or a narrowly drawn class of public records. A hearing shall be held on a request for injunction upon reasonable notice as determined by the court to persons requesting access to the record which is the subject of the request for injunction. It shall be the duty of the lawful custodian and any other person seeking an injunction to ensure compliance with the notice requirement. Such an injunction may be issued only if the petition supported by affidavit shows and if the court finds both of the following:

- a. That the examination would clearly not be in the public interest.
- b. That the examination would substantially and irreparably injure any person or persons.

2. An injunction shall be subject to the rules of civil procedure except that the court in its discretion may waive bond.

3. In actions brought under [this section](#) the district court shall take into account the policy of [this chapter](#) that free and open examination of public records is generally in the public interest even though such examination may cause inconvenience or embarrassment to public officials or others. A court may issue an injunction restraining examination of a public record or a narrowly drawn class of such records, only if the person seeking the injunction demonstrates by clear and convincing evidence that [this section](#) authorizes its issuance. An injunction restraining the examination of a narrowly drawn class of public records may be issued only if such an injunction would be justified under [this section](#) for every member within the class of records involved if each of those members were considered separately.

4. Good-faith, reasonable delay by a lawful custodian in permitting the examination and copying of a government record is not a violation of [this chapter](#) if the purpose of the delay is any of the following:

- a. To seek an injunction under [this section](#).
- b. To determine whether the lawful custodian is entitled to seek such an injunction or should seek such an injunction.
- c. To determine whether the government record in question is a public record, or confidential record.
- d. To determine whether a confidential record should be available for inspection and copying to the person requesting the right to do so. A reasonable delay for this purpose shall not exceed twenty calendar days and ordinarily should not exceed ten business days.
- e. Actions for injunctions under [this section](#) may be brought by the lawful custodian of a government record, or by another government body or person who would be aggrieved or adversely affected by the examination or copying of such a record.
- f. The rights and remedies provided by [this section](#) are in addition to any rights and remedies provided by [section 17A.19](#).

[C71, 73, 75, 77, 79, 81, §68A.8]

84 Acts, ch 1185, §7

C85, §22.8

Referred to in [§23.5](#), [23.11](#)

22.9 Denial of federal funds — rules.

1. If it is determined that any provision of [this chapter](#) would cause the denial of funds,

services or essential information from the United States government which would otherwise definitely be available to an agency of this state, such provision shall be suspended as to such agency, but only to the extent necessary to prevent denial of such funds, services, or essential information.

2. An agency within the meaning of [section 17A.2, subsection 1](#), shall adopt as a rule, in each situation where [this section](#) is believed applicable, the agency's determination identifying those particular provisions of [this chapter](#) that must be waived in the circumstances to prevent the denial of federal funds, services, or information.

[C71, 73, 75, 77, 79, 81, §68A.9]

[84 Acts, ch 1185, §8](#)

C85, §22.9

[2018 Acts, ch 1041, §8](#)

22.10 Civil enforcement.

1. The rights and remedies provided by [this section](#) are in addition to any rights and remedies provided by [section 17A.19](#). Any aggrieved person, any taxpayer to or citizen of the state of Iowa, or the attorney general or any county attorney, may seek judicial enforcement of the requirements of [this chapter](#) in an action brought against the lawful custodian and any other persons who would be appropriate defendants under the circumstances. Suits to enforce [this chapter](#) shall be brought in the district court for the county in which the lawful custodian has its principal place of business.

2. Once a party seeking judicial enforcement of [this chapter](#) demonstrates to the court that the defendant is subject to the requirements of [this chapter](#), that the records in question are government records, and that the defendant refused to make those government records available for examination and copying by the plaintiff, the burden of going forward shall be on the defendant to demonstrate compliance with the requirements of [this chapter](#).

3. Upon a finding by a preponderance of the evidence that a lawful custodian has violated any provision of [this chapter](#), a court:

a. Shall issue an injunction punishable by civil contempt ordering the offending lawful custodian and other appropriate persons to comply with the requirements of [this chapter](#) in the case before it and, if appropriate, may order the lawful custodian and other appropriate persons to refrain for one year from any future violations of [this chapter](#).

b. Shall assess the persons who participated in its violation damages in the amount of not more than five hundred dollars and not less than one hundred dollars. However, if a person knowingly participated in such a violation, damages shall be in the amount of not more than two thousand five hundred dollars and not less than one thousand dollars. These damages shall be paid by the court imposing them to the state of Iowa if the body in question is a state government body, or to the local government involved if the body in question is a local government body. A person found to have violated [this chapter](#) shall not be assessed such damages if that person proves that the person did any of the following:

(1) Voted against the action violating [this chapter](#), refused to participate in the action violating [this chapter](#), or engaged in reasonable efforts under the circumstances to resist or prevent the action in violation of [this chapter](#).

(2) Had good reason to believe and in good faith believed facts which, if true, would have indicated compliance with the requirements of [this chapter](#). It shall constitute such good reason and good faith belief and a court shall not assess any damages, costs, or fees under [this subsection](#) if the person incorrectly balanced the right of the public to receive public records against the rights and obligations of the government body to maintain confidential records as provided in [section 22.7](#) under any judicially created balancing test, unless the person is unable to articulate any reasonable basis for such balancing.

(3) Reasonably relied upon a decision of a court, a formal opinion of the Iowa public information board, the attorney general, or the attorney for the government body, given in writing, or as memorialized in the minutes of the meeting at which a formal oral opinion was given, or an advisory opinion of the Iowa public information board, the attorney general, or the attorney for the government body, given in writing.

c. Shall order the payment of all costs and reasonable attorney fees, including appellate

attorney fees, to any plaintiff successfully establishing a violation of [this chapter](#) in the action brought under [this section](#). The costs and fees shall be paid by the particular persons who were assessed damages under paragraph “b” of [this subsection](#). If no such persons exist because they have a lawful defense under that paragraph to the imposition of such damages, the costs and fees shall be paid to the successful plaintiff from the budget of the offending government body or its parent.

d. Shall issue an order removing a person from office if that person has engaged in a prior violation of [this chapter](#) for which damages were assessed against the person during the person’s term.

4. Ignorance of the legal requirements of [this chapter](#) is not a defense to an enforcement proceeding brought under [this section](#). A lawful custodian or its designee in doubt about the legality of allowing the examination or copying or refusing to allow the examination or copying of a government record is authorized to bring suit at the expense of that government body in the district court of the county of the lawful custodian’s principal place of business, or to seek an opinion of the attorney general or the attorney for the lawful custodian, to ascertain the legality of any such action.

[84 Acts, ch 1185, §9; 2005 Acts, ch 99, §2; 2011 Acts, ch 106, §11, 12, 17; 2012 Acts, ch 1115, §3, 17; 2021 Acts, ch 183, §6](#)

Referred to in [§23.5, 23.6, 23.10](#)

22.11 Fair information practices.

[This section](#) may be cited as the “Iowa Fair Information Practices Act”. It is the intent of [this section](#) to require that the information policies of state agencies are clearly defined and subject to public review and comment.

1. Each state agency as defined in [chapter 17A](#) shall adopt rules which provide the following:

a. The nature and extent of the personally identifiable information collected by the agency, the legal authority for the collection of that information, and a description of the means of storage.

b. A description of which of its records are public records, which are confidential records, and which are partially public and partially confidential records and the legal authority for the confidentiality of the records. The description shall indicate whether the records contain personally identifiable information.

c. The procedure for providing the public with access to public records.

d. The procedures for allowing a person to review a government record about that person and have additions, dissents, or objections entered in that record unless the review is prohibited by statute.

e. The procedures by which the subject of a confidential record may have a copy of that record released to a named third party.

f. The procedures by which the agency shall notify persons supplying information requested by the agency of the use that will be made of the information, which persons outside of the agency might routinely be provided this information, which parts of the information requested are required and which are optional and the consequences of failing to provide the information requested.

g. Whether a data processing system matches, collates, or permits the comparison of personally identifiable information in one record system with personally identifiable information in another record system.

2. A state agency shall not use any personally identifiable information after July 1, 1988, unless it is in a record system described by the rules required by [this section](#).

[84 Acts, ch 1185, §10](#)

Referred to in [§22.12](#)

22.12 Political subdivisions.

A political subdivision or public body which is not a state agency as defined in [chapter 17A](#) is not required to adopt policies to implement [section 22.11](#). However, if a public body chooses to adopt policies to implement [section 22.11](#) the policies must be adopted by the

elected governing body of the political subdivision of which the public body is a part. The elected governing body must give reasonable notice, make the proposed policy available for public inspection and allow full opportunity for the public to comment before adopting the policy. If the public body is established pursuant to an agreement under [chapter 28E](#), the policy must be adopted by a majority of the public agencies party to the agreement. These policies shall be kept in the office of the county auditor if adopted by the board of supervisors, the city clerk if adopted by a city, and the chief administrative officer of the public body if adopted by some other elected governing body.

[84 Acts, ch 1185, §11](#)

22.13 Settlements — government bodies.

When a government body reaches a final, binding, written settlement agreement that resolves a legal dispute claiming monetary damages, equitable relief, or a violation of a rule or statute, the government body shall, upon request and to the extent allowed under applicable law, prepare a brief summary of the resolution of the dispute indicating the identity of the parties involved, the nature of the dispute, and the terms of the settlement, including any payments made by or on behalf of the government body and any actions to be taken by the government body. A government body is not required to prepare a summary if the settlement agreement includes the information required to be included in the summary. The settlement agreement and any required summary shall be a public record.

[91 Acts, ch 96, §1; 2011 Acts, ch 106, §13, 17](#)

Referred to in [§22.13A](#)

22.13A Personnel settlement agreements — state employees — confidentiality — disclosure.

1. For purposes of [this section](#):

a. “*Personnel settlement agreement*” means a binding legal agreement between a state employee and the state employee’s employer, subject to [section 22.13](#), to resolve a personnel dispute including but not limited to a grievance. “*Personnel settlement agreement*” does not include an initial decision by a state employee’s employer concerning a personnel dispute or grievance.

b. “*State employee*” means an employee of the state who is an employee of the executive branch as described in sections [7E.2](#) and [7E.5](#).

2. Personnel settlement agreements shall not contain any confidentiality or nondisclosure provision that attempts to prevent the disclosure of the personnel settlement agreement. In addition, any confidentiality or nondisclosure provision in a personnel settlement agreement is void and unenforceable.

3. The requirements of [this section](#) shall not be superseded by any provision of a collective bargaining agreement.

4. All personnel settlement agreements shall be made easily accessible to the public on an internet site maintained as follows:

a. For personnel settlement agreements with an employee of the executive branch, excluding an employee of the state board of regents or institution under the control of the state board of regents, by the department of administrative services.

b. For personnel settlement agreements with an employee of the state board of regents or institution under the control of the state board of regents, by the state board of regents.

5. a. A state agency shall not enter into a personnel settlement agreement with a state employee on behalf of the state unless the personnel settlement agreement is first reviewed by the attorney general or the attorney general’s designee. Additionally, a state agency shall not enter into a personnel settlement agreement with a state employee on behalf of the state unless the agreement has been approved in writing by the following individuals:

(1) For a state agency other than an institution governed by the board of regents, the director of the department of management, the director of the department of administrative services, and the head of the state agency.

(2) For an institution governed by the board of regents, the executive director of the board of regents and the head of the institution.

b. If paragraph “a”, subparagraph (1) or (2) is not consistent with the provision of a collective bargaining agreement, a state agency shall provide the individuals referenced in [this subsection](#), as applicable, with regular reports regarding any personnel settlement agreements entered into with state employees by the state agency.

[2017 Acts, ch 2, §51, 53; 2017 Acts, ch 170, §30, 43](#)

22.14 Public funds investment records in custody of third parties.

1. The records of investment transactions made by or on behalf of a public body are public records and are the property of the public body whether in the custody of the public body or in the custody of a fiduciary or other third party.

2. If such records of public investment transactions are in the custody of a fiduciary or other third party, the public body shall obtain from the fiduciary or other third party records requested pursuant to [section 22.2](#).

3. If a fiduciary or other third party with custody of public investment transactions records fails to produce public records within a reasonable period of time as requested by the public body, the public body shall make no new investments with or through the fiduciary or other third party and shall not renew existing investments upon their maturity with or through the fiduciary or other third party. The fiduciary or other third party shall be liable for the penalties imposed under statute, common law, or contract due to the acts or omissions of the fiduciary or other third party.

[92 Acts, ch 1156, §8; 2011 Acts, ch 106, §14, 17](#)

22.15 Personnel records — discipline — employee notification.

A government body that takes disciplinary action against an employee that may result in information described in [section 22.7, subsection 11](#), paragraph “a”, subparagraph (5), being placed in the employee’s personnel record, prior to taking such disciplinary action, shall notify the employee in writing that the information placed in the employee’s personnel record as a result of the disciplinary action may become a public record.

[2017 Acts, ch 2, §52, 53; 2018 Acts, ch 1026, §11](#)

22.16 Inspection of records — state archives.

1. Notwithstanding any provision of law to the contrary, a public record that is an archive, as defined in [section 305.2](#), shall be available for public examination and copying under [this chapter](#) if the public record was created at least one hundred years prior to a request for access to the record, subject to the requirements of [this section](#).

2. A public record as described in [this section](#) shall not be available for examination and copying under any of the following circumstances:

a. The public record is ordered to be sealed and is not subject to inspection by any federal or state court.

b. The public record is prohibited from being disclosed under any federal law, rule, or regulation.

[2018 Acts, ch 1125, §1](#)

Public Records Policy
*****SAMPLE FOR ILLUSTRATION PURPOSES ONLY*****
(TEMPLATE FROM JOHNSON COUNTY)

Purpose

Woodbury County works to achieve and enforce open government laws. Many public records can be accessed online. The Iowa Open Records law is designed to ensure that the public has access to the public records of government bodies at all levels in Iowa. The Iowa Open Meetings Law regulates the methods by which public meetings are conducted. Anyone may request public records in Iowa.

Policy

It is the policy of Woodbury County to enable inspection and copying of public records of the County in conformance with the Iowa Open Records law (Iowa Code Chapter 22). Further, it is the policy of this county to recover reasonable costs arising from the examination, copying, and/or provision of access to public records of the county consistent with the Iowa Open Records law. Persons making requests for public records are encouraged to use a standard form and submit it to the applicable department head where the records are located, although use of the form is not mandatory for a valid request.

Scope

This policy is applicable to all Woodbury County departments in custody of public records of the county.

Administrative Procedures

Public records are available for inspection during customary office hours of 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. Examination and copying shall be done under the supervision of the record custodian. A record custodian should not relinquish control of the actual records and precautions should be taken to ensure against damage, destruction, loss, and/or disorganization of the records made available for examination.

Woodbury County charges appropriate fees for providing public examination and copying of public records. The Chairman of the Board of Supervisors will assist departments and offices in meeting all requirements and procedures related to requests for records. This policy is not intended to preclude routine responses to verbal requests for documents by the public or media to staff.

Requests for access to records should be directed to the appropriate department head or director of the department where the records are kept. The persons holding the following positions are hereby delegated with the responsibility for implementing the requirements of Chapter 22 with respect to records maintained in their respective departments.

Assessor – County Assessor’s Office

Attorney – County Attorney’s Office

Auditor, Recorder, and Commissioner of Elections – Auditor’s Office

Budget/Finance Director – Board of Supervisors Office

Building Services Director – Building Services Department

Chairman of the Board of Supervisors – Board of Supervisors Office

Conservation Director – Conservation Department

Emergency Management Coordinator – Emergency Management
Emergency Services Director – Emergency Services
Engineer – Secondary Roads Department
Human Resources Director – Human Resources Department
Information Technology Director – Woodbury County Information and Communication Commission
Juvenile Detention Director – Juvenile Detention
Planning & Zoning Coordinator – Planning and Zoning Department
Public Health Director – Siouxland District Health Department
Sheriff – County Sheriff’s Office
Social Services Director – Rolling Hills Region
Treasurer – Treasurer’s Office
Veteran Affairs Director – Commission of Veteran Affairs

Requests involving multiple departments will be coordinated by the Board of Supervisors Office. All requests, written or oral, for public records should be fulfilled in compliance with state law. Immediate access to records may be affected by a good faith effort to verify the scope of the records requested, locate the specific records requested, determine whether any of the records, or information contained therein, is confidential in nature, and provide access to the requested record(s) unless a basis exists for withholding access pursuant to Iowa Code Sections 22.7, 22.8, lawful court order or other applicable law. If the request is denied in whole or in part, the requestor shall be provided a description of the reason for denial of the request including a reference to the legal authority for the denial.

Confidential Records

If the department has a concern about whether the record requested may be considered confidential or otherwise not subject to examination, the lawful custodian should endeavor to identify the potential basis for confidential treatment and consult with the Woodbury County Attorney’s Office prior to making a record available to the requestor.

There are multiple sources of legal authority that require confidentiality for certain types of records maintained by Woodbury County including but not limited to Iowa Code Section 22.7. It is important to note that there are other federal and state laws that require confidentiality of certain types of records, and that release of documents subject to these legal protections may lead to penalties against the county or in some cases the individuals who released confidential records contrary to law. Confidential records may be withheld when appropriate authority exists to do so, and confidential information within an otherwise public record may be redacted prior to a record’s release. If a confidential record is withheld from examination and copying, or confidential information within an otherwise public record is redacted, the county will identify the document(s) and cite the applicable legal authority which supports the decision to withhold the confidential information from public examination.

Fees for Reasonable Costs

Fulfillment of a request may be made contingent on payment of a fee and an estimate of expenses shall be communicated to the requestor prior to fulfilling a request. The following fee schedule shall apply:

Staff Time fee:

- Requests requiring less than 30 cumulative minutes of staff time will not incur charges. Any request requiring more than 30 minutes of staff time will be rounded up to the nearest 30

minutes and billed based on an hourly rate. The hourly rate will be calculated by the respective Department Head, based on the hourly rate of staff involved in the request. If it is estimated that the retrieval requires staff time in excess of 30 minutes, the party requesting the documents will be notified in advance of the estimated expense.

- No department may require advance payment of any fee unless the requestor has previously failed to pay fees in a timely fashion, the requestor is from out of state and/or the fee has been estimated to exceed \$100.
- Staff time includes:
 1. Time spent retrieving potentially responsive documents,
 2. reviewing documents for responsiveness, confidential or other information exempt from disclosure,
 3. redaction; and
 4. time spent supervising or assisting the examination of records by the requestor on site.
- The County Attorney's Office may be consulted to determine if confidential documents or information are included in a request, and/or the bases for withholding records from public release, and a fee will be assessed in half-hour increments based on the hourly rate of the reviewing attorney.

Copying fee: Photocopies will be provided at no charge for the first 10 pages. A 50 cents per page charge will be assessed for each page in excess of 10 pages in addition to the hourly fee referenced above.

Information Technology fee: Requests necessitating computer programming or extraction of data by the Information Technology Department will be assessed a charge based on the hourly rate of staff involved in the request. Note that local governments do not have to create data through cross tabulations, selective analysis, or other data manipulation, nor is there an obligation to provide information in a form other than that which exists at the time of the request. Any such work is discretionary and may be subject to charges for staff time.

Postage or shipping expense fee: Fees for mailing or shipping will be assessed based on actual cost.

Miscellaneous fee: Miscellaneous fees, including county-provided data storage devices (e.g., CDs, thumb drives, hard drives), requested or required for transmission of the request, will be assessed based on actual cost of the medium.

Departments responding to the request are responsible for calculating appropriate charges using these guidelines.

Woodbury County, Iowa Public Records Request Form

Iowa's Open Records Law provides the public the right to examine and copy public records under the provisions of Iowa Code Chapter 22. Pursuant to Chapter 22, persons requesting such records may be requested to pay the reasonable cost of the production of such records. A description of how fees for reasonable costs are determined is set forth below. Please note that if the requested record(s) potentially contains confidential information or is otherwise exempt from disclosure, additional time may be required for redacting of the documents prior to examination or copying.

Requestor's information:(Please Print)

1. Name: _____ Company Name _____
2. Mailing Address: _____

3. Daytime Phone Number: _____
4. Alternate Phone Number: _____
5. Fax Number: _____
6. E-mail Address: _____

Request:

1. Record(s) requested (Please be as detailed as possible; include names, dates, subjects, meeting dates, resolution and ordinance numbers, project names etc.)

2. Requesting: (circle all that are applicable)

In person examination
Paper copies
CD/DVD
Digital files
Other _____

Signature and Printed name of requestor

Date of Request

Details of Request (for office use only)

1. Request received via: e-mail, mail, in person/verbal, fax
2. Department/Employee who received request _____
3. Date and time received _____
4. Does request potentially include confidential or otherwise protected information Y/N
If yes, date referred to County Attorney for review. _____
5. Date request completed. _____
6. Description of response to request _____
 Copy of response attached

Fees for production (for office use only)

Staff time _____ minus first 30 minutes x _____ (hourly rate) \$ _____

Copy Charges _____ # pages x \$.50 per page for production over 10 pages \$ _____

Data storage device(s) \$ _____

Mail/Shipping charges \$ _____

Information Technology staff time _____ hours x hourly rate \$ _____

Attorney review _____ hours x hourly rate \$ _____

Other _____ \$ _____
(provide description)

Total estimated cost \$ _____

(If total estimated cost exceed \$100, payment may be requested in advance.)

Date estimated cost provided to requestor _____

Name of employee that communicated estimated cost to requestor _____