

Resolution #25-2013/2014

BE IT HEREBY RESOLVED that the Board of Supervisors adopts the following Open Records Policy:

Grundy County Open Records Policy

Intent & Goal

This policy is intended to implement the provisions of Iowa Code Chapter 22 by providing assistance to citizens requesting examination of public records and to employees in fulfilling those requests. The goal is to assist citizens making requests and assure that responses to open records requests are made appropriately and timely.

Parameters

Grundy County is committed to the concept of open government exemplified by Iowa Code Chapter 22. Records deemed confidential pursuant to Iowa Code Section 22.7, or other applicable statutes, are not required to be released in response to a request. Iowa Code Chapter 22 lists or describes 65 categories and types of potential documents and information exempt from the open records law. Other portions of state and federal law may also govern access to public records.

Making a Request for Public Records

Requests for access to public records may be made in any format and the custodian shall not require the physical presence of a person requesting or receiving a copy of a public record. Citizens are encouraged, but not required, to make requests in writing. Unless otherwise required by law, anyone may make a request for public records without providing identification, reason, or motive for the request.

Responding to Requests

Requests for access to public records may be made in any format. Employees may not ask why the record is being requested or require the identity of the requestor. Employees should try to collect as much information as possible about what records are being requested and in what format the requestor wishes to receive the data. An employee receiving a request in person or by telephone should immediately reduce the request to writing, noting:

- the specifics of the information requested;
- the date and time of the request;
- whether the request is for copying, inspection, or both; and
- how the requestor expects the request fulfilled.

All requests should be forwarded to the Department Head or his or her designee.

Upon receipt of a request for access to public records employees should promptly take all reasonable steps to preserve the public record while the request is pending. Requests will be fulfilled as soon as possible. Iowa Code allows for a delay of a twenty (20) calendar days if it is necessary to consult with legal counsel regarding whether a record is confidential; however, the delay should normally take no longer than within ten (10) business days. If the request involves substantial research or the delay is expected to go beyond ten (10) business days, this should be communicated to the requestor as soon as possible. All requests will receive a written response. If the public record requested does not exist, this fact should be

communicated to the requestor. The record sought may be provided in the form in which it is maintained by the Department Head, provided the information contained in that form is readily accessible to the requestor once in their custody. If possible, the information contained in a record that is deemed confidential by law should be redacted so that the remaining record may be disclosed. The statutory authority for each redaction should be provided to the requestor. Requests and responses for examination of public records or copies of records shall be documented.

Availability

Public records will be available for public examination and/or copying during customary office hours, which are 8:00 a.m. to 4:30 p.m., Monday through Friday, excluding designated holidays. Immediate access to records may be affected by good faith efforts to identify and locate the correct records, or determine whether the request seeks disclosure of confidential records. The requesting party should be promptly notified if any delays are experienced or expected.

Fees

Reasonable fees may be charged to the requestor for the actual costs of producing a public record for inspection and/or copying. Actual costs only include costs that are directly attributed to the work to respond to a records request, but do not include charges for employment benefits, depreciation, maintenance, electricity, or insurance associated with the administration of the office.

Unless otherwise posted in a prominent place in the office of each department, the department will charge fees according to the schedule appearing below but may decide to waive the fees for good cause. Requests for records that cannot be processed in-house may be referred to a third party. This third party will provide fee structure for such data. The employee doing the work must keep track of time and materials and the following fees may be charged:

1. \$0.25 per single sided page for paper copies
2. \$1.00 per single sided 8.5" x 11" colored aerial or CSR map
3. \$3.00 per single sided 11" x 17" colored aerial or CSR map
4. Actual mailing cost
5. Actual cost of media
6. Actual cost of the employee's time to compile, retrieve, and copy or supervise a public record

If the estimated total fees exceed \$50.00, the Department Head or his or her designee may ask the requestor to prepay expected fees. Estimated fees and payment terms must be clearly communicated to the requestor as soon as possible. Requestors with a history of nonpayment will be required to pay upfront for any record request.

Changes to Policy

Grundy County has and reserves the right to change the contents of this policy at any time.

Passed and adopted this 2nd day of December, 2013.



James Ross, Chairperson
Grundy County Board of Supervisors

ATTEST:



Rhonda R. Deters, County Auditor