



# Board of Supervisors

Story County, Iowa

## Open Records Policy & Procedure

**Approval Date:**

07/05/2022

**Effective Date:**

07/05/2022

**Revision No:**

05

**Reference:** BOS Minutes:

Initially Adopted:03/06/2012

**Distribution:**

County Website, Intranet, S:drive and Policy Book

### General Policy Statement

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.

### Scope

This policy is applicable to the following:

All departments responsible to the Story County Board of Supervisors;

All offices responsible to a county elected official whom adopt this policy.

\*The offices of the Attorney, Auditor, Recorder, Sheriff and Treasurer are elected offices. These elected officers are vested with unique discretion to carry out the legal duties and responsibilities of their office. As such, they may exercise a degree of independence to set the policies and procedures of their respective offices. These elected officers may adopt this policy but may also independently set policy for their office concerning the production of public records.

### Purpose

Story County\* is committed to the concept of open government exemplified by Iowa Code Chapter 22. Records that are not defined as public records or have been deemed confidential pursuant to statute are not required to be released in response to a request. Iowa Code Chapter 22 lists or describes no fewer than 65 categories and types of potential documents and information exempt from the open records law unless otherwise ordered by a court, by the

lawful custodian of the records, or by another person duly authorized to release such information. Other portions of state and federal law may also govern access to public records.

Documents, instruments and records [see Iowa Code §§331.601A(2), (3) & (8)] maintained by a county recorder, as well as fees set by the Story County Recorder for research and retrieval of documents, instruments and records filed with or maintained by the Story County Office of Recorder, are exempt from this policy.

## **Provisions**

**Making a Request for Public Records.** Requests for access to public records may be made in person, in writing, by telephone or by electronic means. Citizens are encouraged, but not required to make requests in writing. The form accompanying this policy is for convenience only. Anyone may make a request for public records without providing identification, reason or motive for the request. For assistance in making a request for examination or copying of public records, the public is invited to contact the county public request liaison at:

Public Information Request  
900 6<sup>th</sup> St, Nevada IA 50201  
c/o Sandra King,  
Ph. 515-382-7243, Fax 515-382-7206,  
E-Mail: [sking@storycountyia.gov](mailto:sking@storycountyia.gov)

**Responding to Requests.** Requests for access to public records may be made in person, in writing, by telephone or by electronic means. Employees may not ask why the record is being requested nor require the identity of the requestor, but should try to get as much information as possible about what is being requested and how the requestor wishes the response transmitted to them. A requesting party may be encouraged but is not required to use the request form accompanying this policy. The department/office having custody of the record will be primarily responsible for producing a response to the request for the county public request liaison.

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. Requests made in person may be filled while the requestor is on premises if the material is accessible on-site and known to not be confidential. All other requests should be forwarded to county public request liaison Sandra King, and the employee's supervisor.

Upon receipt of a request for access to public records, supervisory 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, but no longer than within ten (10) business days, unless there are questions about the confidentiality of the record being requested. The Iowa Code allows for a twenty (20) calendar days delay to determine whether a record is confidential. If possible, information contained in record that is deemed confidential by law should be redacted so that the remaining record may be disclosed.

If the public record requested does not exist, this fact should be communicated to the requestor in writing or by electronic means. The record sought may be provided in the form in which it is maintained by Story County provided the information contained in that form is readily accessible to the requestor once in their custody. If the request involves research or delay beyond 10 days is reasonably expected, this should be communicated to the requestor.

**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.** We shall make every reasonable effort to provide at no cost, other than copying costs, any record that takes less than thirty (30) minutes to produce. Reasonable fees will be charged to the requestor for the actual costs of producing a public record for inspection and/or copying. Departments under the auspices of the Board of Supervisors will charge fees according to the schedule appearing below. If the estimated total fees exceed \$50.00 the requestor must agree to prepay expected fees. Estimated fees and payment terms must be clearly communicated to the requestor as soon as possible. The following fees will be charged:

1. \$.10 per page fees for black/white photocopying.
2. \$.25 per page for color photocopying.
3. Actual mailing costs.
4. Actual cost of media (CD, DVD, Tape, Film, etc.).
5. Actual cost of employee time to supervise the examination of a public record, if over one hour.
6. Actual cost of employee time to retrieve a public record, if over one hour.

**Compliance.** Requests and responses for examination of public records or copies of records shall be documented by giving to the department head/elected official and public request liaison, all information and documentation concerning the request, the employee responding to the request, the information requested, and full copy of the dated response. The county public request liaison will maintain responses in a central location.



REQUEST TO EXAMINE AND/OR COPY

PUBLIC RECORDS

Visit us online at: [www.storycountyiowa.gov](http://www.storycountyiowa.gov)

Use of all, part or none of this form is optional and has no bearing on the response you will receive. Requests of an anonymous nature will also be honored. This form is merely offered for convenience only. Please note that this form is not confidential and may itself be subject to public disclosure pursuant to Iowa Code Chapter 22.

Requestor's Name \_\_\_\_\_

Address: \_\_\_\_\_

City /State/Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Description of Record or Information Requested: (be as specific as possible): \_\_\_\_\_

Please tell us if you would like the record copied and sent to you by mail, whether you will pick it up or whether you would simply like to examine it. \_\_\_\_\_

Signature of Requestor

Date of Request

You may expect a response to a request for non-confidential public information within ten (10) business days.

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Office Use Only:

Date Received:

Response Date: \_\_\_\_\_ Records Available? Yes / No

Copies Made? Yes / No      How Many?      Fees Charged: \$

If request denied, provide reason: \_\_\_\_\_

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