

	Open Records Policy & Procedure	
Approval Date: 1-20-24	Effective Date: 1-20-24	Revision Number: 01
Reference: BOS Minutes 1-20-24		Distribution: County + public

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

Emmet 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 67 categories and types of potential documents and information exempt from the open records law. Iowa Code Chapter 22.2(3) states: 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 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. In addition, Emmet County is not required to permit access to data processing software developed by Emmet County or a non-government body and used by Emmet County. Other portions of state and federal law may also govern access to public records. This is Emmet County's general policy; certain offices may have more specific agreements applicable to the type of information requested.

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. A

form is available for use. 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 manner. 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. If a specific format is requested, please see the section below on "Formatting Electronic Records." 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.

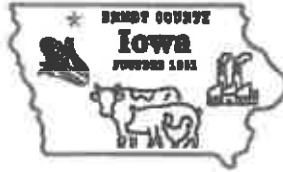
Upon receipt of a request for access to public records employees should promptly take all reasonable steps to preserve the public record while the request is pending. Requests will be fulfilled as soon as possible. Iowa Code allows for delay of twenty (20) calendar days if it is necessary to consult 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 10 business days, this should be communicated to the requestor as soon as possible.

Formatting Electronic Records

An electronic record shall be made available in the format in which it is readily accessible to Emmet County, provided the format is usable with commonly available data processing or database management software. If Emmet County chooses to provide the record in a different format for the requestor, Emmet County shall 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 actual costs allowed.

Availability

If the public record requested does not exist, this fact should be communicated to the requestor. 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.



Public records will be available for public examination and/or copying during customary office hours, which are 8:00 a.m. – 4:30 pm., 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.

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 may adopt and enforce reasonable rules regarding the examination and copying of the records and the protection of the records against damage or disorganization.

Fees

Reasonable fees shall 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.

In addition, if an electronic record is being provided in a format that is different from that in which the public record is readily accessible to Emmet County because the requestor has asked for such a format, Emmet County shall charge the reasonable costs of any required processing, programming or other work required to produce the public record in that format. This includes both the cost of time for employees and charges incurred from third parties to put the record into the requested format.

Emmet County may ask the requestor to prepay expected fees. Estimated fees and payment terms must be clearly communicated to the requestor as soon as possible.