

IOWA PUBLIC INFORMATION BOARD – Training Committee

MEMBERS

Catherine Lucas, Johnston (Government Representative, 2024-2028)
Monica McHugh, Zwingle (Public Representative, 2022-2026)
Jackie Schmillen, Urbandale (Media Representative, 2022-2026)

STAFF

Erika Eckley, Executive Director
Kimberly Murphy, Deputy Director
Alexander Lee, Agency Counsel

Use the following link to watch the IPIB meeting live:
<https://youtube.com/@IowaPublicInformationBoard>

Note: If you wish to make public comment to the Board, please send an email to IPIB@iowa.gov prior to the meeting.

Agenda

March 28, 2025, 12:00-1:00 p.m.

Location: Via Google Meet

- I. Call to Order
- II. Approval of Agenda *
- III. Approve Minutes of February 18, 2025 *
- IV. Public Comment (5-minute limit per speaker)
- V. Election of Committee Chair
- VI. Training Updates (Lee)
- VII. Review FAQs Drafts for Website *
 - a. Any new/revised questions which need to be covered?
 - b. Need to simplify language for general public?
- VIII. Review “Meetings 101” Sample Video
- IX. Discuss Priorities/Potential Projects for IPIB Staff
- X. Discuss Next Meeting Date
- XI. Adjourn

*** Attachment**



IOWA PUBLIC INFORMATION BOARD – Training Committee

February 2025 Meeting

Time: February 18, 2025, 3:00 p.m.

Location: Virtual (Livestreamed on YouTube)

Members: Catherine Lucas, Jackie Schmillen (Quorum)

Also Present: Ericka Eckley, Kimberly Murphy, Alexander Lee

Unapproved Minutes

- I. **Call to Order.** Lucas called the meeting to order at 3:01 p.m.
- II. **Approval of Agenda.** On a motion by Lucas, second by Schmillen, to approve the agenda. Adopted, 2-0.
- III. **Public Comment.** There was no public comment.
- IV. **Training Updates.** Lee provided an overview of recent training sessions, work on draft Chapter 21/22 FAQs for the IPIB website.
- V. **Discuss Priorities/Potential Projects for IPIB Staff**
 - a. **New FAQs Sections for Chapter 21/22 – Any new questions to be added?** Committee suggested new questions which could be added, with draft FAQs to be prepared and reviewed at the next meeting.
 - b. **What resources can IPIB offer to the public on our website?** Committee suggested several potential resources which could be looked at for future review/consideration.
 - i. Online form to request training without an active case
 - ii. Quarterly training sessions held digitally for new hires and recently elected officials to attend and ask questions
 - iii. Possible collaboration with the Newspaper Association to create an informational pamphlet informing the public of their rights
 - iv. Short videos/recordings to be uploaded for training topics – will work on a sample resource to be considered at the March committee meeting
- VI. **Discuss Potential Next Meeting Date.** Committee will discuss scheduling a meeting for March 2025 on February 20, when all three members will be present for the full IPIB monthly meeting.
- VII. **Adjourn.** Meeting adjourned by Lucas at 3:34 p.m.



DRAFT CHAPTER 21 FAQs

Note: Draft language only. Subject to change before publication.

What is the purpose of Chapter 21?

Chapter 21 is Iowa's open meetings law, which requires state and local government bodies to conduct their official business in a transparent manner, in open sessions accessible to the public. The first sentence of Chapter 21 says explicitly that the goal of the law is to ensure "that the basis and rationale of government decisions, as well as those decisions themselves, are easily accessible to the people."

Who is subject to Chapter 21?

Chapter 21 applies to most agencies, boards, councils, commissions, and other types of government bodies at both the state and local level. With a few specific exceptions, it does *not* apply to non-government bodies, such as private businesses or non-profits.

What is a "meeting" under Chapter 21?

Chapter 21 defines a "meeting" as having four key attributes: 1) there must be a majority of members 2) of a governmental body, as defined by Iowa Code § 21.2(1), in which 3) members engage in deliberation 4) on a matter within the scope of their policy-making duties, as opposed to social or ministerial purposes.

What qualifies as "deliberation" to qualify as a meeting?

Deliberation occurs where members share "thoughts, concerns, opinions, or potential action" on policy matters. This requires more than simply receiving information or asking clarifying questions, but deliberation is a low threshold, and a meeting may arise when members offer their own opinions or the reasoning behind their opinions.

What are social or ministerial purposes?

Meetings only arise when members of a governmental body deliberate on matters within their policy-making duties. Social purposes include gatherings outside of official government business, such as holidays and birthday parties or attendance at community events, like a local fair. Purely ministerial purposes, meanwhile, include routine administrative responsibilities which are wholly unrelated to policy-making, like scheduling future meetings or coordinating payroll. Whether a discussion becomes a meeting depends on what is actually discussed, not the purpose of the gathering or the intent of individual members.

Can meetings occur over text or email?

Yes. Meetings may arise in informal settings, including where discussing is held over text or email. So long as all four elements of a meeting are met, Chapter 21 will apply.

May a governmental body conduct a vote anonymously or using a secret ballot?

No. While closed session may be authorized under limited circumstances, all actions and discussions at meetings of governmental bodies must otherwise be conducted in open session, in full view of the public. Secret ballots of members are therefore prohibited, even if they are not final or binding, as they would still constitute an action or deliberation. Meeting minutes must include sufficient detail to indicate how each member present voted on each action taken.

What are the requirements for giving proper notice of an open meeting?

Iowa Code § 21.4 requires governmental bodies to provide reasonable notice of the “time, date, and place of each meeting,” along with a tentative agenda of topics to be discussed. Reasonable notice includes physically posting an agenda on a bulletin board or other prominent place at the principle office of the governmental body. If no office exists, the agenda may be posted at the building where the meeting will be held. In either case, the posting must be in a location which is easily accessible to the public and, except in rare situations where it is necessary to hold an emergency meeting, notice must be provided at least 24 hours in advance of the meeting’s start time. Reasonable notice also includes advising all news media who have filed a request for notice.

Some types of governmental bodies are subject to other provisions for notice under the Iowa Code. In those cases, the requirements for notice may be different.

When can a governmental body hold an emergency meeting with less than 24 hours’ notice?

The 24-hour notice requirement may only be waived where it would be impossible or impractical to provide public notice at least 24 hours before an emergency session. This is a high standard, though it could be met, for example, where a city council meets to coordinate a public response in the wake of a natural disaster, or where a school board approves emergency maintenance to a building heating system in order to keep a school open for classes.

Where it is necessary to hold a meeting on less than 24 hours’ notice, Chapter 21 still requires as much notice as reasonably possible. In cases where limited notice is provided, or where the location or time of the meeting is not reasonable accessible to the public, the minutes must also state the nature of the good cause justifying the departure from the normal requirements.

Does Chapter 21 require a governmental body to allow for public comment at an open meeting?

No. While all members of the public must be provided access to meetings held in open session, nothing in Chapter 21 requires an opportunity for public comment, and governmental bodies are authorized to make and enforce reasonable rules to ensure that meetings are orderly and free from interference or interruption by spectators. If a governmental body does allocate time for public comment, differential treatment on the content of speech may raise constitutional issues. Adopting reasonable rules, such as uniform time limits or advance deadlines for requesting an opportunity to speak, may help in avoiding these concerns.

Does a government body have to provide for virtual or hybrid meeting options?

Yes, but only for members. According to Iowa Code § 21.8(1), a governmental body “shall provide for hybrid meetings, teleconference participation, virtual meetings, remote participation, and other

hybrid options for the members of the governmental body to participate in official meetings.” IPIB interprets this section to require one or more types of virtual or hybrid meetings to be made available as *options* for members of the governmental body to attend remotely, though Chapter 21 does not prescribe any particular option over the others.

This requirement does not extend to the public, meaning that Chapter 21 does not mandate an option for members of the public to attend via a livestream or other remote option.

What responsibilities does the government have when conducting an entirely virtual meeting?

When a governmental body conducts a hybrid or virtual meeting, it must provide public access to the conversation of the meeting to the extent reasonably possible. This means that, if a meeting is entirely virtual, there must be an option for the public to access the meeting for themselves, either by using the same software or website used by the members, or by providing a simultaneous livestream of the conversation.

Is a governmental body required to keep minutes of an open meeting? What information should be included in the minutes?

Governmental bodies must keep minutes of all meetings, including “the date, time and place, the members present, and the action taken at each meeting,” including the results of each vote and sufficient information to indicate the vote of each member present. If all members vote the same way, the minutes may report a unanimous vote. However, if members are split, this would require some indication of who voted on each side, including abstentions.

When does Chapter 21 permit closed sessions?

By default, all meetings of a governmental body must be held in open session, meaning they must be accessible to the public. Iowa Code § 21.5(1) lists 12 specific exceptions that a government body may use to move into closed session. Common justifications for closed session include meetings with legal counsel to discuss matters in present or imminent litigation, hearings to suspend or expel a student, and meetings to evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is under review, if the individual in question requests a closed session and closure is necessary to avoid “needless and irreparable” reputational harm, or discussion of confidential records. Closed session may also be permitted where the governmental body seeks to review records which are required or authorized to be kept confidential by state or federal law.

Nothing in Chapter 21 requires a governmental body to hold a meeting in closed session.

Can final action be taken in closed session?

No. Except where another provision of the Code expressly authorizes it, final action by a governmental body on any matter must be taken in open session. Even if deliberation was properly held in closed session, the governmental body must still return to open session in order to take action on the matter.

What information must a governmental body include in its minutes?

Minutes must include the date, time and place, the members present, and the action taken at each meeting. For each action taken, the minutes must also reflect the results of each vote taken and information sufficient to indicate the vote of each member present, including any abstentions. If a vote is unanimous, it may simply be recorded as such, but any split vote must be accompanied with information about how each member voted.

Although additional information beyond these requirements may be included, Chapter 21 does not require it, except in the case of closed sessions for which detailed minutes must be taken. In other words, open meeting law does not require minutes to reflect any discussion surrounding a vote, nor does it require a summary of public comment.

How much detail should be included in a tentative agenda?

A tentative agenda must be provided “in a manner reasonably calculated to apprise the public of” matters to be discussed. This standard considers whether the notice sufficiently apprised the public and gave full opportunity for public knowledge and participation, judged in the context of surrounding events, including the public’s knowledge of a given issue and actual participation in light of the history and background of that issue.

This is not considered a high bar, though IPIB has previously found agendas insufficient in cases where topics are summarized with single-word descriptions like “Parks” or “Streets,” as well as in cases where a “catch-all” description was used across multiple meetings as an umbrella for any possible discussion within a broad range of policy issues.

Are individual members responsible for compliance with Chapter 21?

Yes. Iowa Code § 21.6 authorizes the courts (or IPIB) to assess damages against individual members who participate in violations of Chapter 21. However, a member may not be required to pay damages if they 1) voted against an unlawful closed session, 2) had good reason to believe and in good faith *did* believe in facts which would have made their actions compliant with Chapter 21 if true, or 3) reasonably relied on a court decision or a formal, written opinion of IPIB, the attorney general, or legal counsel.

When does an advisory board or committee have to comply with Chapter 21?

An advisory board, advisory commission, advisory committee, task force, or other similar body may be subject to Chapter 21 open meetings requirements if it is created by state statute or executive order, or if it is created by an executive order of any political subdivision of the state, to develop and make recommendations on public policy issues. A permanent subcommittee or similar body created by a governmental body subject to Chapter 22 likely qualifies as a governmental body of its own. Even where an advisory board or committee is seemingly outside the definition of “governmental body,” it is still best practice to follow Chapter 21 requirements to ensure transparency.

What can I do if I believe a governmental body has violated Chapter 21?

Any person may seek judicial enforcement of Chapter 21 against a governmental body in the district court for the county in which the governmental body has its principal place of business. Alternatively, IPiB is authorized as an independent agency to receive formal complaints of violations, using the “File a Complaint” form on [our website](#).

DRAFT CHAPTER 22 FAQs

Note: Draft language only. Subject to change before publication.

Does a request for a record have to be in person?

No. Iowa Code § 22.4 allows requests to be made in person, in writing, by telephone, or by electronic means. A government body is required to provide options for making requests through any of these four routes.

Is a government body ever required to create new records? – probably don't need the extra paragraph on the “rare exception”

Generally, no. With a few specific exceptions, Chapter 22 only provides for the disclosure of existing public records. If a record does not exist, or if a requested record only exists in a particular format, the government body is not required to create or modify a record. Similarly, Chapter 22 does not cover general requests for information if that information is not contained in an existing public record.

Can I see letters written by a public official?

Communications made by public officials acting in their official capacities are considered public records subject to Chapter 22. Whether a government body is required to disclose requested letters, texts, or emails depends on whether the communication is covered by any of the confidentiality exceptions listed in Iowa Code § 22.7.

What if a requested record is in the possession of a private organization?

Iowa Code § 22.2(2) states that 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. If the government is the lawful custodian for requested records, it is still responsible for disclosure even if the records are in the possession of a third party.

How much time does the public agency have to produce a requested record?

Chapter 22 does not set a specific time requirement for responding to records requests, and more time is generally permitted for broader requests or requests involving requiring significant redaction to protect confidentiality. Whether a delay is “unreasonable” is highly fact-specific, but Iowa courts have found that an unreasonable delay may be interpreted as an implied refusal to make records available.

From the lawful custodian's perspective, unreasonable delay may be avoided through communication with the requester. Factors considered in whether a delay was reasonable include whether the government promptly acknowledged the initial request, whether there was any communication or explanation about expected delays, whether the government produced records as they became available (“rolling production”), and whether updates were provided to alert the requester to new developments which would change the predicted production date.

For further guidance, see Advisory Opinion [24AO:0010](#).

How long does a government body have to provide access to its minutes?

Because minutes are never confidential and should be readily available for public inspection, a request for minutes (or other exhibits considered by a government body in open session) should generally be responded to within one to two business days of receipt by the lawful custodian.

Are police department or sheriff's office records subject to Chapter 22?

Yes, although police investigative files may be confidential, subject to the qualified privilege of Iowa Code § 22.7(5). This qualified privilege requires a three-part balancing test, which includes a consideration of whether public interest would suffer by disclosure. Records relating to ongoing investigations are more likely to be confidential.

Iowa Code § 22.7(5) does not extend to the date, time, specific location, and immediate facts and circumstances of a crime or incident, meaning that records with this information are not confidential except in unusual circumstances where disclosure would “seriously jeopardize” an investigation or pose a “clear and present danger” to any person’s safety.

What are a government body's obligations with regards to databases or database information?

Chapter 22 also extends to electronic records. Where an electronic public record is requested, the 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. In some cases, this may require the government to perform some type of manipulation in order to make existing data readable using commonly available software, but Chapter 22 does not require the government body to perform new calculations, run custom searches, or otherwise generate new data.

Are job applications public records?

Job applications are generally covered by Iowa Code § 22.7(18), which is a broad category of confidentiality for useful incoming communications from identifiable sources outside of government, though they still must meet all four requirements set by this exception. The Iowa Supreme Court has set two important restrictions for job applications. First, applications from internal candidates are not covered, as the aforementioned exception only protects communications from persons outside of a government body. Second, in at least some circumstances, this protection may not extend to applications for appointment to a public office to fill a midterm vacancy which could otherwise be filled by special election.

Are records relating to public records subject to records requests?

Partially. Iowa Code § 22.7(11) provides confidentiality for personal information in confidential personnel records for identified or identifiable public officials, officers, or employees. However, there are five categories of records which may nevertheless be sought under Chapter 22, including 1) the name and compensation of the individual, 2) the dates of their employment by the

government body, 3) the positions the individual holds or has held with the government body, 4) records relating to educational institutions attended, diplomas and degrees earned, names of previous employers, positions previously held, and the dates of previous employment, and 5) the fact that the individual resigned in lieu of termination, was discharged, or was demoted as the result of a disciplinary action, along with the documented reasons and rationale for this action.

Other personnel record information not covered by any of these five exceptions is likely to be exempt. The standard for whether a record qualifies for confidentiality under this protection is based on the nature of the record, not its physical location.

How long must public records be kept?

Chapter 22 does not contain any retention requirements for government bodies, though other sections of the Iowa Code may. Because of this, nothing in Chapter 22 prevents a government body from destroying records. Government bodies are encouraged to develop and implement records retention policies to determine how records are maintained or disposed of.

Can a government body charge a fee for a public records request?

Yes. While Chapter 22 says that 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,” it does authorize them to charge for “reasonable expenses,” particularly for larger and more complicated requests.

Generally, smaller requests for easily identifiable, non-confidential records should be provided for free, aside from copying fees, if needed. For example, a digital copy of a recent set of meeting minutes should generally be provided without charging the requester.

How are “reasonable expenses” calculated?

Where the lawful custodian charges a fee to respond to a records request, that fee must be based on actual, direct costs associated with making and providing copies. Actual costs may include considerations such as the cost of printing or the hourly rates of the employee(s) involved in responding to a records request, but it should not include indirect costs like electricity or insurance.

Actual costs may include the costs of legal services, but only for the limited purpose of reviewing or redacting legally protected confidential information. In other words, legal services should not be used to retrieve and sort the potentially responsive records in the first place.

Are all documents that government officials have in their possession considered public records?

Not necessarily. It is the nature of a document, not its location, which determines whether something is a public record subject to Chapter 22. The personal records of a public official or employee may be exempt if they are not produced or received in the course of the individual’s employment, even if they are located on a government device or email account.

If an email or other document is stored on a personal account or device, can it still be a public record?

Yes. As with the previous question, it is the nature of the record which matters. If a public employee uses a personal email account to conduct public business or stores public records on their personal device, these records may still be sought under Chapter 22. For this reason, it is best practice for government employees to separate their work and non-work communications by using a separate work account to conduct all government business.

Can exceptions to confidentiality be granted if a requester has a special relationship to the records requested?

In most cases, all members of the public have the same right to access public records under Chapter 22, meaning that a requester's special relationship to a record is typically irrelevant to whether the government body may properly withhold the record as confidential. As an example, where Iowa Code § 22.7(11) provides confidentiality for "personal information in confidentiality personnel records" of identified or identifiable public employees, a former employee would not have the right to access their own performance evaluation records unless other members of the public would have the same access. Note that other state and federal statute may provide other avenues.

A few confidentiality provisions in Chapter 22 do allow for special access despite the usual rule. For example, the protection for autopsy reports in Iowa Code § 22.7(41) contains an exception for disclosure to a decedent's immediate next of kin.

DRAFT CHAPTER 23 FAQs

Note: Draft language only. Subject to change before publication.

What is the Iowa Public Information Board?

The Iowa Public Information Board (IPIB) is an independent state agency authorized to secure compliance with and enforcement of the requirements of Chapters 21 and 22, Iowa's open meetings and public records laws. IPIB provides an efficient, informal, and cost-effective process for resolving disputes related to these chapters.

Who is on IPIB?

IPIB consists of a nine-member board appointed by the governor and confirmed by the senate, balanced between media, government, and public representatives. Members serve four-year terms and meet on a monthly basis.

The day-to-day communications and complaint investigations of the agency are handled by IPIB's Executive Director and staff attorneys. Currently, the agency has three full-time employees.

Who does IPIB have jurisdiction over?

Generally speaking, IPIB has the authority to hear complaints arising from Chapter 21 or 22 against any government entity subject to the requirements of those chapters. This includes city councils, county boards of supervisors, public schools, most state agencies, and other state and local governments. However, Iowa Code § 23.12 states that IPIB lacks jurisdiction over the state judicial and legislative branches, as well as the governor or the office of the governor.

How can I file a complaint?

The easiest way to file a complaint is by filling out the online "File A Complaint" form, which can be found under the "Contact Us" tab on IPIB's website. However, IPIB may also receive complaints in person, over the phone, or by mail. Once a complaint is filed, IPIB staff will generally get in touch with you within one or two business days. There are no fees for submitting a formal complaint

Unless discussed with IPIB ahead of time, information submitted to IPIB, including in a formal complaint, is generally considered public record subject to disclosure.

What is the procedure for processing a formal complaint?

When IPIB first receives a new complaint, we conduct a facial review, which considers only the information provided by the complainant. If the facts alleged do not present a potential violation within IPIB's jurisdiction, then the complaint will be dismissed, with notice and explanation delivered to the complainant. If there is a potential violation, then the complaint proceeds to the informal resolution stage.

Once a complaint is accepted for informal resolution, IPIB reaches out to the government respondent with a copy of the formal complaint and a brief summary of potential violations under

investigation. The government body then has the opportunity to provide its own facts and legal arguments. Pursuant to Iowa Code § 23.9, IPIB's purpose at this stage is to act as a mediator and attempt to reach an agreement which rectifies any violations of Chapter 21 or 22 and prevents further violations from occurring in the future.

Informal resolution may end in one of several ways. First, if additional information provided shows that there is no longer probable cause to believe that the government respondent committed a violation within IPIB's jurisdiction, we may issue a probable cause order dismissing the case. If the parties are able to reach an informal resolution, the complaint may be closed following the fulfillment of the terms to which the parties agreed. Finally, if parties are unable to reach a resolution and there is still probable cause to believe a violation has occurred, IPIB may proceed to a contested case hearing, in which the Board formally investigates the allegations of the complaint, with the power to issue final conclusions and order remedial action.

Why might IPIB dismiss a complaint?

Iowa Code § 23.8(2) provides several reasons why IPIB might dismiss a complaint, which may be raised at any phase of our review process.

A complaint may be dismissed if it is outside IPIB's statutory jurisdiction, which is limited to Chapter 21 (open meetings) and Chapter 22 (public records). For example, a complaint that a government body unlawfully terminated an employee would likely be outside IPIB's jurisdiction.

IPIB may dismiss for legal insufficiency, which arises where the complaint relates to Chapter 21 or 22, but the facts alleged would not be a violation even if they were true. If a complaint alleged that the government unlawfully denied a records request seeking confidential personnel information, then that complaint would likely be legally insufficient on the basis that Chapter 22 would not require disclosure of the record sought.

IPIB may also dismiss if a complaint is frivolous or without merit, meaning there is no good faith, factual basis to support an alleged violation. Dismissal on this basis may be required where the complainant claims a government body has held an unlawful meeting or withheld records it was required to disclose, but there is no evidence to suggest the meeting actually occurred or the records actually exist.

Dismissal for harmless error occurs where IPIB finds that there was a violation, but the government respondent fully rectified the error in a way which negated its impact. For example, if the government unintentionally lists the wrong date on its notice of an upcoming meeting, realizes the mistake, and postpones the meeting to a later date to ensure sufficient notice is given for items on the agenda, this would likely be considered harmless error.

In rare cases, complaints may be dismissed because they relate to a specific incident that has previously been finally disposed of on its merits by IPIB or a court. This prevents complainants from relitigating issues which have already been decided.

Finally, the legislature has imposed a 60-day window for reviewing potential violations. If a complaint is not filed in a timely manner, it may be dismissed even if it presents an otherwise actionable violation.

What is the 60-day window?

According to Iowa Code § 23.7(1), any complaint submitted to IPIB “must be filed within sixty days from the time the alleged violation occurred or the complainant could have become aware of the violation with reasonable diligence.” The second half of this complaint allows review of violations which occurred more than sixty days before filing, but only if circumstances would have prevented the complainant from immediately learning of the underlying facts. Lack of knowledge of the law or IPIB’s existence will not be considered as factors in postponing this deadline.

Because this requirement is imposed by statute as a limitation on IPIB’s authority, we are unable to grant an exception, even for complaints filed only a day past the deadline.

How does IPIB make decisions on a case?

When a new formal complaint is filed, a new case file is created and assigned to one of IPIB’s staff attorneys. The assigned attorney is responsible for the day-to-day handling of the complaint, including correspondence with the parties and legal research. However, all final actions taken in a case are made solely at the discretion of the nine-member Board, which meets monthly.