

Regulatory Analysis

Notice of Intended Action to be published: 497—Chapter 10
“Injunction Request Procedure”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A and 23
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 17A and 23 and Executive Order 10

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

June 3, 2025
9 to 9:30 a.m.

Via virtual meeting/videoconference:
meet.google.com/hvc-wmba-kem
Or dial: 518.759.2454
Passcode: 264 086 811#

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Iowa Public Information Board no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Kimberly Murphy
Iowa Public Information Board
510 East 12th Street
Jessie M. Parker Building, East
Des Moines, Iowa 50319
Phone: 515.393.7664
Email: kim.murphy@iowa.gov

Purpose and Summary

This proposed rulemaking includes revised administrative rules based on the requirements of Executive Order 10. Chapter 10 provides information to the public about the Board’s injunction request procedure. Chapter 10 is proposed to be rescinded and adopted new with revisions to align with Executive Order 10.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**
 - **Classes of persons that will bear the costs of the proposed rulemaking:**
There is no expected additional cost to the State, government bodies, or individuals.
 - **Classes of persons that will benefit from the proposed rulemaking:**
Citizens of the State and government bodies subject to Iowa Code chapters 21 and 22 will benefit.
2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**
 - **Quantitative description of impact:**
No quantitative impact is expected. The Board will still operate consistent with Iowa Code chapter 17A and the scope of authority granted pursuant to Iowa Code chapter 23.
 - **Qualitative description of impact:**

No qualitative impact is expected.

3. Costs to the State:

• **Implementation and enforcement costs borne by the agency or any other agency:**

No costs will be borne by any agency. The Board will still operate consistent with Iowa Code chapters 17A and 23.

• **Anticipated effect on state revenues:**

There is no anticipated effect on state revenues.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

Not applicable. The Board will still operate consistent with Iowa Code chapter 17A and the scope of authority granted pursuant to Iowa Code chapter 23.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

Not applicable.

6. Alternative methods considered by the agency:

• **Description of any alternative methods that were seriously considered by the agency:**

Not applicable.

• **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

Not applicable.

Text of Proposed Rulemaking

ITEM 1. Rescind 497—Chapter 10 and adopt the following **new** chapter in lieu thereof:

CHAPTER 10
INJUNCTION REQUEST PROCEDURE

497—10.1(23) Complaint. As provided in Iowa Code section 23.5(3), when a request for an injunction to enjoin the inspection of a public record has been filed in district court under Iowa Code section 22.8, the respondent or the person requesting access to the record may remove the proceeding from district court to the board by filing a complaint within 30 days of the commencement of the judicial proceeding. The complaint will detail the parties involved, the records sought, and the district court in which the matter was originally filed. A copy of the original court filing seeking an injunction

will be filed with the complaint. A complaint filed under this chapter is not a “complaint” triggering the procedures under 497—Chapter 2.

497—10.2(23) Notice to court. Upon receipt of a complaint under this chapter, the board’s staff will file notice with the appropriate district court that the complaint has been filed with the board.

497—10.3(23) Staff review. If the court issues an order removing jurisdiction of the matter to the board, the board’s staff will conduct an initial review of the complaint and may request that the parties provide further information or documents.

497—10.4(23) Hearing. A hearing on the request for the injunction will be heard before the board. The board may request briefs or the filing of other documents. The board will work with the parties in establishing guidelines for the time of the hearing, the length of arguments, and any other procedural matters. A hearing under this rule is not a contested case under Iowa Code chapter 17A.

497—10.5(23) Board determinations. The board will make the following determinations after hearing:

1. Whether the requested records are public records or confidential public records.
2. If the records are public records, whether an injunction should be issued enjoining the inspection of the records under the criteria set out in Iowa Code sections 22.8(1) and 22.8(3).

497—10.6(23) Judicial review. The board’s determinations under rule 497—10.5(23) are deemed final agency action for purposes of seeking judicial review under Iowa Code chapter 17A.

These rules are intended to implement Iowa Code chapters 17A and 23.