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## **IPIB Monthly Column**

April 5, 2021

### **From the Iowa Public Information Board**

By Margaret E. Johnson, Executive Director

#### **Question: Are emails sent by a government body public records?**

**Answer:** The definition of public records under Iowa Code section 22.1(3) is broad enough to encompass email messages and other electronic correspondence, if the email concerns public business relating to the public duties of an official or employee.

The Iowa Supreme Court, in a 1967, pre-email decision, addressed the idea that you must look at the contents of the document or communication to determine whether it is a public record: “It is the nature and purpose of the document, not the place where it is kept, which determines its status”, *Linder v. Eckard*, 152 N.W.2d 833, 835 (Iowa 1967).

It may be wise to add a notation to emails from government bodies to advise the recipient (and remind the sender) of this. An example: “Email correspondence to and from this address may be subject to the Iowa Public Records Law (Iowa Code chapter 22) and may be disclosed to third parties.”

**Did You Know** that the Iowa Public Information Board staff is available to assist you with questions or problems involving open meetings and public records in Iowa? During the month of March 2021, 67 contacts were made with the Iowa Public Information Board office.

<u>TYPE</u>	<u>March 2021</u>
Formal complaints	14
Advisory opinions	1
Declaratory orders	0
Informal complaints	7
Informal requests	40
Miscellaneous	5
TOTAL:	67

#### **Board Members**

Joan Corbin • E. J. Giovannetti • Barry Lindahl • Keith Luchtel • Monica McHugh  
Frederick Morain • Julie Pottorff • Suzan Stewart • Stan Thompson

**Who can contact the IPIB and how long does it take?** Any person can contact the IPIB for assistance by telephone (515-725-1781), by email, or on the IPIB website. So far in 2021, 170 identifiable people have contacted the IPIB. Of these, 86 were private citizens, 62 were government officials or employees, and 22 were members of the media. In 2021, 70% of the incoming contacts were resolved the first day, 13% were resolved in one to five days, and 17% were resolved in six or more days. Opinions, rulings, FAQs, reports, and training documents are available on the IPIB website – [www.ipib.iowa.gov](http://www.ipib.iowa.gov).