

Question: Are job applications public records?

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Editor's Note: This is a monthly column prepared by the Iowa Public Information Board to update Iowans on the IPIB's activities and provide information on some of the issues routinely addressed by the board.

ANSWER: The Iowa Supreme Court ruled in April 1988 that under a 1984 amendment to Chapter 22 public agencies can make job applications confidential.

In City of Sioux City v. Greater Sioux City Press Club, 421 N.W.2d 895 (Iowa 1988), a five-member panel of the Iowa Supreme Court ruled that such confidentiality is provided for in subsection 18 of 22.7.

The Court ruled that job applications might be made confidential if the person so requests or if the public agency "could reasonably believe that those persons would be discouraged" from applying if applications were available for public inspection.

While subsection 18 does not provide confidentiality for communications required by

law, rule or procedure, the Court stated that job applications were not required as part of the hiring process since the job applicant is applying voluntarily.

In an August 1992 decision, Des Moines Register and Tribune Company v. State Board of Regents and Douglas Cramer, Polk County Judge Arthur Gamble ruled that a private firm that had conducted a presidential search for Iowa State University was wrong in keeping secret the names of candidates who had no objections to disclosure.

To summarize, a communication to a government body can be kept confidential under 22.7(18) only if all of the following exist:

(1) The communication is not required by law, rule, procedure, or contract.

(2) It is from identified persons outside of government.

(3) The government body could reasonably believe those persons would be discouraged from communicating with government if the information was made public.

Nevertheless, the information should be released if the person communicating with government consents to its release or if it can be released without identifying the person.

In addition, a communication regarding an illegal act can be kept confidential if disclosing it would jeopardize a continuing investigation or pose a clear and present danger to the safety of an individual.

(Excerpted from the IPIB website FAQs, www.ipib.iowa.gov.)

IPIB Facts and Figures

During the month of June 2015, 74 contacts were made with the Iowa Public Information Board office.

<u>TYPE</u>	<u>JUNE 2015</u>	<u>JAN-JUNE 2015</u>
Formal complaints	15	57
Formal opinions	0	5
Declaratory orders	0	0
Informal complaints	10	78
Informal requests	48	279
Misc.	1	9
TOTAL:	74	428