

How do I know the name of the custodian of a public record?

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.



A “lawful custodian” is defined as the “government body currently in physical possession of the public record.” (Iowa Code Section 22.1(2)). If records are maintained outside the physical possession of the government body, such as a contracted service, the government body owning that record is the “lawful custodian.” The government body cannot prevent the examination or copying of a public record by contracting with a nongovernment service provider.

As an example, paper records might be generated in a public office as required by the duties of that office. As part of an overall government policy, those records might be stored

in a climate controlled off-site storage facility. Even though the records are in the physical possession of a non-government body, the custodian of the records remains the last government office that had custody of those records.

Another situation that could arise is when a government body uses an internet service to store records “in the cloud.” A records request should be directed to the government body responsible for the collection and maintenance of those records, not the internet company that is storing the records. This rationale applies to any contract with a nongovernmental body to perform any duty or function, such as a

database management.

The lawful custodian of records relating to investment of public funds is the public body responsible for oversight of those funds.

Iowa Code Section 22.1(2) requires each government body to “delegate to particular officials or employees of that government body the responsibility for implementing the requirements of (Chapter 22) and publicly announce the particular officials or employees to whom responsibility for implementing the requirements of this chapter has been delegated.”

IPIB Facts and Figures

During the month of April, 75 contacts were made with the Iowa Public Information Board. A total of 238 contacts have been made in 2014. In April, the IPIB helped 28 citizens gain access to public records and open meetings and assisted 14 public bodies and 16 media representatives on questions about Iowa’s open meetings and open records laws. To contact the IPIB, call 515-725-1781 or send an e-mail to Margaret.Johnson@iowa.gov.

<u>TYPE</u>	<u>APRIL</u>	<u>JAN-APR</u>
Formal complaints	12	31
Formal opinions	1	3
Declaratory orders	2	2
Informal complaints	10	34
Informal requests	50	163
Misc.	0	5
TOTAL:	75	238