

TALKING TRANSPARENCY, #2 -- How to discuss **public records** with candidates for local office

The next few weeks will be full of opportunities to meet the candidates for local elected offices such as city council and school boards, leading up to the November 5th elections. In addition to questions about city budgets or school policies, voters should ask candidates about what it means to have a transparent government body.

Iowa Code chapter 22 addresses public records laws in Iowa. Each government body is required to delegate the responsibility of responding to public record requests and to “publicly announce” the lawful custodian of its public records. Government cannot avoid the requirements of public records law by storing the record ‘off-site’ or by contracting with a third party to collect and store records.

Government officials also cannot avoid the public records laws by conducting government business on a privately owned cell phone, laptop, computer, or other electronic device. The government body is responsible for retrieving public records that are stored ‘off-site’ or by a third party.

Fees can be charged by a government body to retrieve, review, and release a government record. Such fees must be based upon the actual cost incurred by the government body. It is not required that a government body charge fees for public records. It is recommended by the Iowa Public Information Board that a government body develop a policy concerning fees and review it frequently for compliance with Iowa law.

Under Iowa law, some records may be confidential. The government body is not required under Chapter 22 to withhold a record that could be confidential. However, if a record is withheld, the government body will be responsible for showing why the record is confidential.

Public records should be released promptly. If a delay is anticipated, it is recommended that the lawful custodian explain the reason for the delay.

Government settlements are public records. Iowa law sets forth the procedure a government body must follow to provide public access to a settlement agreement and the summary required by Iowa law.

All elected and appointed members of a governmental body are required to be trained about open meetings and public records laws. Failure to follow public records laws can result in court sanctions or review by the Iowa Public Information Board.

Specific information about the public records law and training guidance is available at the Iowa Public Information Board website: www.ipib.iowa.gov or by calling the IPiB at 515-725-1783.