



Clinton County

Clinton County Open Records Request Policy

PURPOSE

This Open Records Request Policy defines the procedures and fees associated with handling open records requests made to Clinton County.

BACKGROUND

Clinton County (“County”) is subject to Iowa’s “Open Meetings” laws (Iowa Code Chapter 21) and “Open Records” laws (Iowa Code Chapter 22). Iowa Code Chapter 22 contains a broad definition of public records. There are exceptions that protect certain records and documents from public disclosure. A number of these exceptions are listed in Iowa Code Chapter 22; others are provided elsewhere in the Iowa Code or by federal statute. Federal laws protect certain types of personal information from disclosure unless a law enforcement subpoena is provided. Additionally, various categories of information routinely handled by the County are considered confidential and therefore protected from disclosure.

As an organization subject to Iowa’s Open Records law, the County may incur expenses and staff time to respond to records requests. The law requires the County to comply with records requests within reasonable time limits and permits the County to charge reasonable fees reflecting the costs to produce copies and for staff to procure and prepare documents.

GOALS

The goals of this policy are to provide direction on the handling of records requests; to standardize fees and costs associated with responding to records requests; and to promote consistent compliance with the applicable laws.

DESIGNATED CUSTODIAN FOR CHAPTER 22 OPEN RECORDS MATTERS

Iowa Code Section 22.1(2) requires government bodies to delegate an official or employee as its “lawful custodian” responsible for implementing the requirements of Iowa Code Chapter 22 and to provide that information to public. The County’s “lawful custodian” is the Elected Official or Department Head where the records exist/reside.

INFORMATION NEEDED FOR PROCESSING AN OPEN RECORDS REQUEST

Records requests may come in the form of a letter, email or fax. In order to accurately and timely process a records request, the County needs to know the full extent of the request and how to contact the requestor (name, address and phone number) in case the County has any questions or

concerns. Requests for documents should identify the requestor and need to be sufficiently specific in order to allow County staff to accurately identify the records being sought and timely respond to the request.

ROUTINE AND NON-ROUTINE RECORDS REQUESTS

A. Routine Requests. Examples of routine records requests include, but are not limited to a customer's request for copies of his or her own billing records, requests for meeting minutes or agendas and requests for copies of specific resolutions or ordinances. Routine records requests may be handled directly by the department involved with notice of the request.

B. Non-Routine Requests. County staff should provide a copy of any non-routine records request to the County Attorney's Office immediately upon receipt. The County Attorney's Office will coordinate the response to all non-routine records requests with affected departments through the chain of command. All non-routine requests will be vetted through the County Attorney.

REQUESTOR'S OPTIONS FOR EXAMINING OR COPYING RECORDS

A. In-person Examination of Records. Persons seeking public records within the control of the County may examine such records at County Administration building between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except during County closures, and appointments are required. In-person examinations will be coordinated by the County Attorney's Office. Adequate notice is required for in-person examinations as prior review and redacting of confidential or otherwise protected information may need to occur prior to a requestor's in-person review. In-person examinations will be supervised by County staff and conducted in a manner as directed by staff to prevent destruction, misappropriation, manipulation or disorganization of the original materials. After examination, persons seeking copies of public records, including electronic records, need to specifically and clearly indicate which records are requested for copying.

B. Personal Review Not Required. Requestors are not required by law to be personally present for the examination of records and, therefore, may ask that the County examine its records and provide copies of records that correspond to the request in accordance with the terms and conditions of this policy.

RECORDS SUBJECT TO OPEN RECORDS REQUEST

County policy is to search for all documents, whether in paper or electronic form. Electronic documents will be produced in the same manner as paper documents.

REDACTION

The County will redact all documents as appropriate to protect personally identifying information. Information concerning extraneous information not pertaining to the scope of the request, including but not limited to personally identifying information of third parties will also be redacted. The County will also redact or withhold information protected from disclosure by the Iowa Code 22.7(5) or other applicable exceptions.

FORM OF RESPONSE TO AN OPEN RECORDS REQUEST

The County may, in its discretion, provide either paper copies or electronic copies, depending upon which option creates the least expense or the least inconvenience. In the case of production of electronic copies, the County will send said copies to a secure email address provided by the requesting party or copy the requested files to a CD-ROM, DVD-ROM, or Thumb Drive at its option. The requester shall bear any costs of electronic reproduction.

RESPONSE TIME FOR RECORDS REQUESTS

It shall be the policy of Clinton County to respond promptly and efficiently (i.e. normally within 20 calendar days or 10 business days, unless certain exceptions exist) to all requests for public documents under Chapter 22 of the Code of Iowa. If additional time beyond 20 calendar days or 10 business days is reasonably needed to comply with the request, written notification will be provided to the requestor.

APPLICABLE FEES

The County's fee schedule, as updated from time to time, applies to all records requests. According to the fee schedule, a financial deposit may be required, and if required, no work will begin on a request until the deposit is received.

The following fees and costs may be charged pursuant to Iowa Code Chapter 22 for access to and/or copies of public records maintained by the County:

1. Basic Fees:

<u>Service</u>	<u>Guidelines/Conditions</u>	<u>Fee</u>
Copies of Paper Documents:	B/W Photocopies- Standard 8 ½ x 11 size	\$0.25/page
	Color Photocopies - Standard 8 ½ x 11 size	\$0.50/page
	Oversized Copies - per estimate	\$0.75/page
Copies Transmitted by Fax -	Limit to 10 pages	\$1.00/page
Copies by DVD-ROM -	Limited to Capacity of Disc(s)	\$1.00/disc
Thumb Drives-	Various storage capacity	Cost based on storage ability
Third Party Tax Statements:	Subject to Treasure's Regulations	\$2.00/statement
Postage for Copies Mailed -	Requestors are required to pre-pay for actual costs of postage. All copies will be sent certified mail, return receipt requested.	

*Fee's are waived for copies made for VA office official business.

2. Labor. Except where said compensation is expressly waived by the County Board of Supervisors, persons requesting records shall, in advance of production, compensate the County for staff hours, to the nearest .25 hours expended, required to compile responses to records requests. Staff hourly charges will be calculated based on the current hourly rate of the employee. In cases where the County's contracted County Attorney reviews documents prior to production, the cost of reasonable attorney fees owed to the County Attorney shall also be charged. The above labor charges do not include the costs of employee benefits, depreciation, maintenance, electricity or insurance associated with the administration of the office, per Iowa

Code §22.3. All examination and copying of public records shall be done under the supervision of the lawful custodian of the records or his or her designee. Unless a requestor makes other arrangements with the County, requested records will be available for the requestor's review for a period of one week after notification to the requestor that the originals are available for inspection and copying. If the requestor does not review the original records within one week or make other arrangements with the County, the requestor may incur additional charges for the additional time spent in the re-search, re-preparation or re-retrieval of the records.

3. Other Applicable Fees and Deposits.

A. Additional Costs. Any costs not covered by the above fee schedule shall be charged to the requestor based on the actual costs incurred by the County, including but not limited to all amounts charged to the County by third parties in connection with the fulfillment of any records request.

B. Advance Deposits. If the County estimates the fees for the requested services will be greater than ten dollars (\$10.00), the County may require the requestor to make an advance deposit to cover all or part of the estimated fees. If a deposit is required, no work will begin on a request until the deposit is received. Any funds collected by the County in excess of the actual fees will be refunded to the requestor in a timely manner. If any requestor has not paid a previous amount due under this policy, the County shall require full payment of the previous amount due plus a full deposit for estimated services before processing a new request.

C. Cumulative Charges. The charges outlined herein are cumulative to the extent they reflect the actual cost to the County. For example, if a one-page document takes 30 minutes to locate and the requestor wants the document copied and mailed, the charges will include charges for the 30 minutes of retrieval services, \$0.25 for the photocopy or \$0.50 for a color photocopy, and the applicable postage charge for a certified mail delivery.

Adopted: November 4, 2019