

YOUR RIGHT TO KNOW



Iowa's Open Meetings and Open Records laws (Chapters 21 and 22) protect the public's right to know and require government to be open and accessible.

Here's how to get a public record

STEP 1 GET READY — Identify which records you want and the governmental office that holds them. This may require a few phone calls.

STEP 2 CHECK ONLINE — Check whether the information you are seeking is already public. Many public records are easily accessible online. If you don't have a computer, public libraries do and have staff who can help you.

STEP 3 INFORMAL FIRST — Start with an informal request: Simply ask for the information over the phone or in person or through an e-mail. You do not have to identify yourself or say why you want the public record to gain access to it. In Iowa, governmental agencies must provide you access to the record free of charge but can charge you a "reasonable fee" for making copies.

STEP 4 PUT IT IN WRITING — If you run into problems with an informal request, try a written request to the proper custodian of those records. Many government agencies require requests be made in writing. In your letter, ask that the entity tell you why, in writing, if it is going to deny your request for a record and cite the law that allows it to deny your request.

If it is a federal record you are seeking, ask the agency to whom you can appeal a denial. Iowa law does not have an appeal process.

TRY THIS TIP **COPIES:** Send a copy of your request to the agency's attorney, for example the county attorney or city attorney.

Note in your letter that you are "cc-ing" that official.

STEP 5 WAIT — Wait for a response. Iowa law says requests for public records should be handled as quickly as possible; offices are given 10 to 20

business days to respond if there is a question about the record's confidentiality. Federal agencies are required to respond within 20 business days after receiving the request.

STEP 6 APPEAL DENIALS — If you are seeking federal records and are denied, write an appeal and send it to the agency's appeals officer asking him to review your

request and the agency's denial — or lack of response. Provide your contact information and why you think the agency is wrong. Note: Federal law states that an appeal must be made within 60 days from the denial. If you are denied state, county or city records, try contacting the Office of Citizens' Aide Ombudsman — toll-free 1-(888) 426-6283 — for assistance.

STEP 7 WAIT AGAIN — Wait for a response. A federal agency typically should take no more than 20 days to respond to your appeal.

STEP 8 SEE A LAWYER — If you still haven't received the information you have requested and believe the information should be made public, contact an attorney.

STEP 9 SUE — Take the matter to court, where the agency must prove that the requested information was withheld because of a state or federal exemption. If you win, the court may require the government to pay your court costs and attorney fees.

WHAT YOU SHOULD KNOW

Iowa's Open Records Law

■ Iowa law does not require people to give government officials their names or reasons they want to obtain public documents.

■ Requests for public records can be made in person, over the phone or in the mail.

■ Offices open for fewer than 30 hours a week must be open between 9 a.m. and noon and 1 to 4 p.m., but the law permits government officials and people requesting the records to agree on a different time.

■ Typically, Iowa agencies provide access to records as soon as they can, but if there is a question as to whether the information requested is confidential, the law provides for a "good faith, reasonable delay by a lawful custodian" that should not exceed 10 business days.

■ A reasonable fee may be charged for providing a copy of a record, but the fee cannot exceed the actual cost of providing the service, which includes paper costs and staff time for retrieving and copying.

■ Anyone knowingly violating or attempting to violate any provision of Iowa's Open Records or Open Meetings laws can be charged with a simple misdemeanor.

Iowa's Open Meetings Law

■ Meetings of governmental bodies shall be held in open session unless a closed session is expressly permitted by law. The most common reasons a meeting can be closed to the public are personnel (evaluations, hiring) and real estate transactions (but only when the premature disclosure of a property purchase could be reasonably expected to increase the price). However, any action — such as hiring, firing or buying property — must be conducted in open session.

■ Minutes of all meetings should be kept and should include the date, time and place, the members present and actions taken. Minutes are open for public inspection as soon as they are completed. Minutes also must be kept of closed meetings.

■ 24-hour notice of all meetings should be given unless impossible or impractical, in which case as much notice as is reasonably possible shall be given.

How to write for a public record

(Date)

Dear (name of government official in possession of record):

I am requesting a copy of the following information pursuant to Iowa Code Chapter 22, the public records law.

(Detail what records you want. Try to be as specific as possible to ensure that you receive what you are seeking. For example: I would like copies of all correspondence between members of the City Council and XYZ Industries from June 10, 2005, through Aug. 30, 2005.)

The Iowa Attorney General's Office advises that most requests for records are routine and should be handled immediately.

Chapter 22.8 says that a reasonable delay in responding to a request shall not exceed 20 calendar days and ordinarily should not exceed 10 business days.

If there is a copying fee, please inform me in advance if the fee is more than (insert your upper dollar amount). Chapter 22.3 says that the fee shall not exceed the actual cost of providing the service.

Thank you for your attention to this matter.

Sincerely,

(Your name and contact information)

(cc: It's usually helpful to send a copy of your request to the attorney for that government body — for example, the city attorney or county attorney.)



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