

SUNSHINE ADVISORY

A Bulletin on Iowa Open Meetings and Public Records Laws

By Attorney General Tom Miller – September 2004

Logging on: How Do You Apply the Public Records Law in a Computer Age?

Must government bodies provide access to data processing software when public records are maintained on computers?

In this computer age, more and more public records are contained in data processing software. (See “*Public Access to Electronic Records*,” October 2002.) The public is entitled to copy public records. But can the public access the data processing software that contains the public records? How does the Public Records Law balance the public right of access to public records with the government interest in protecting data processing software? What can be charged for access to the software?

Keep these principles in mind:

- **Discretionary Access:** A government body “may provide, restrict, or prohibit access to data processing software developed by the government body. . . .” Iowa Code sec. 22.3A(2). The Public Records Law allows – but does not require – a government body to provide access to data processing software developed by the government body.
- **Additional Charges:** A government body may recover direct publication costs, including “editing, compilation, and media production costs” incurred in developing the software and transferring the software to another person. Iowa Code sec. 22.3A(2)(a). This charge is in addition to charges for the public records.
- **Written Justification:** On request, the government body shall “provide documentation which explains and justifies the amount charged.” Iowa Code sec. 22.3A(2)(a).

In summary: Data processing software developed by government bodies and the public records the software contains are treated differently under the Public Records Law. The public can always copy open records, but may not be able to access the software, or may pay additional charges to do so.

Citizens who have inquiries or complaints about public records or open meetings may call the Iowa Citizens’ Aide/Ombudsman Office – toll-free at 888-IA-OMBUD (888-426-6283.)

“Sunshine Advisory” bulletins provide information on Iowa’s public records and open meetings laws – our “Sunshine Laws.” The bulletins are a resource for public officials and citizens. Local officials should obtain legal advice from their counsel, such as the city or county attorney.

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Iowa Attorney General’s Office: Hoover Building, Des Moines, Iowa 50319.

On the Web: www.iowaAttorneyGeneral.org . (Click on “open government.”)