

This month's column features a real question and answer from a local government elected official.

Question: As a county officer, I received a request for the email records of another county official. I sent the email request to the official, as well as other non-government people included in the search terms. Should I have required the requestor address the request to the custodian of the records? Was I wrong to notify everyone named in the request, even those outside our government?

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.

ANSWER: You have raised a number of issues.

*** Is a public record request itself a public record?** Yes, it meets the definition of a public record in Iowa Code section 22.1(3). While it would be unusual for an exemption under Iowa Code section 22.7 or other law to apply to an open records request, it is conceivable.

***May I forward a public records request to the subject of a record request?** While not specifically addressed in the code, it is implied that you may. Without the forwarding of the email record request to the subject of the record request, there would be no way for that person to exercise the right to assert confidentiality and seek injunctive relief under section 22.8. Section 22.11 establishes the Iowa Fair Information Practices Act requiring state agencies to enact specific rules addressing this issue and others. The Uniform Rules on Agency Procedure address this issue. Section 22.12 authorizes adoption of these or similar policies by other government

bodies. Your county may have adopted procedures addressing some of the issues you have raised.

***Where should a records request be filed?** The lawful custodian of a public record is the government body currently in physical possession of that record. The open records law requires government bodies to designate and publicly announce particular persons as lawful custodians with responsibility for implementing the requirements of the law. If this designation has not been made or the designee is unable to address the request, the request should be made directly to the government body. When an appropriate designation has been made, other officials or employees of that government body should refer requests to that designee. If no appropriate designation has been made, officials or employees who receive requests should ensure they are given to an appropriate person for fulfillment. In the case of a county, such a person would include a mem-

ber of the board of supervisors or other elected county officer. We also encourage anyone who receives a record request to acknowledge its receipt.

***What is a government body?** “The term ‘government body’ means this state, or any county, city, township, school corporation, political subdivision, tax-supported district, nonprofit corporation other than a fair ... supported in whole or in part with property tax revenue and ... licensed to conduct pari-mutuel wagering ...; the governing body of a drainage or levee district ... regardless of how the district is organized; or other entity of this state, or any branch, department, board, bureau, commission, council, committee, official, or officer of any of the foregoing or any employee delegated the responsibility for implementing the requirements of this chapter.” Section 22.1(1).



IPIB Facts and Figures

During the month of October 2014, 80 contacts were made with the Iowa Public Information Board office. To contact the IPIB, call 515-725-1781 or send an e-mail to Margaret.Johnson@iowa.gov.

| TYPE | OCTOBER | JAN-OCT |
|---------------------|----------------|----------------|
| Formal complaints | 3 | 86 |
| Formal opinions | 0 | 5 |
| Declaratory orders | 0 | 4 |
| Informal complaints | 14 | 98 |
| Informal requests | 63 | 485 |
| Misc. | 0 | 6 |
| TOTAL: | 80 | 684 |