**Sunshine Advisory**

**A Bulletin on Iowa Open Meetings and Public Records Laws**

**By Attorney General Tom Miller – May 2005**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Iowans Can Request Public Records**

**by Telephone, Letter, Fax, or E-mail**

Starting July 1, when a new law takes effect, Iowans will have a right to request copies of public records by contacting governmental bodies by letter, telephone, or electronic means such as “fax” or e-mail. Until now, Iowa’s Public Records law, Iowa Code Ch. 22, has not strictly required public officials to respond to public record requests that are not made in person. In reality, though, many state and local agencies and public bodies have adopted rules and policies to honor requests in various forms, as encouraged in prior Sunshine Advisories. (See Nov. 2003 Sunshine Advisory – “Requests for Public Records: Must Citizens Show Up in Person?”)

**Now all governmental bodies should prepare to respond to requests in various forms:**

* ***Develop policies to handle requests*** made in writing, by telephone and by electronic means. Who will keep track of the requests? Who will assure that the records are retrieved, copied and delivered timely? Public officials should designate and train staff appropriately.

* ***Decide on advance payment*** for providing records. The lawful custodian is expressly authorized to require payment of expenses incurred in advance of providing the records. If advance payment is required, an estimate of the expenses shall be communicated on receipt of the request.
* ***Review policies on expenses*** to be sure only actual expenses are included. Public officials may collect only those expenses directly attributable to supervising examination and making and providing copies. Charges may not include ordinary expenses or costs, such as employment benefits of office workers who supervise records, or depreciation, maintenance, electricity, or insurance associated with the administration of the office of the lawful custodian.

**Responding to requests for public records received in writing or by telephone or by electronic means has always been good public policy -- soon it will be the law.**

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.

           

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

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