

# SUNSHINE ADVISORY

A Bulletin on Iowa Open Meetings and Public Records Laws

By Attorney General Tom Miller – December 2004

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## Paper Files? Electronic Files? Tapes? Public records are stored in many formats!

Modern government offices conduct business that generates records in many forms, including paper and electronic files, CDs, floppy disks, 911 voice tapes, and video tape recordings. How does Iowa's Public Records Law apply to various formats in which government bodies store information? How does government take advantage of the benefits of modern technology, and still assure the public's right of access under the Public Records Law?

**Here are principles regarding public access to public records in various forms:**

- C Scope: Iowa's Public Records Law applies to all records "preserved in any medium." Iowa Code sec. 22.1(3). Government cannot deny the public access to a record simply because it is stored in a format that makes access difficult or challenging. (Example: See September 2004 Sunshine Advisory on access to information in data processing software -- "Logging on: How Do You Apply the Public Records Law in a Computer Age?")
- C Uniform Application: The Public Records Law must be applied uniformly, regardless of the format in which a record is stored. Iowa law generally gives people the right to examine and copy public records, but it recognizes numerous exceptions for records that must or may be kept confidential. Uniform application of any exceptions to disclosure may require a government body to transcribe or edit information. For example, a 911 audio tape included in a peace officer's investigative report may need to be transcribed or edited in order to disclose only the date, time, specific location, and immediate facts and circumstances surrounding a crime. See Iowa Code sec. 22.7(5).
- C Copy Fees: Government bodies may charge the public the actual cost of examination and copying. Iowa Code sec. 22.3. So, decisions about the format in which public records are stored should include consideration of reasonable costs of providing access to the public.

**Remember: Modern technology makes storage of information in various forms efficient for government – but the public's right of access to information must be assured.**

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: [www.IowaAttorneyGeneral.org](http://www.IowaAttorneyGeneral.org) . (Click on "open government.")