

SUNSHINE ADVISORY

A Bulletin on Iowa Open Meetings and Public Records Laws

By Attorney General Tom Miller – April 2005

Charges Under the Public Records Law: Impose Only Actual Costs!

Iowa's Public Records Law entitles people to examine and copy open records in the hands of governmental bodies. This imposes costs on governmental bodies ranging from a minor expense of making copies to a more significant expense of assigning office personnel to supervise the process. The law strikes a balance between public access and the burden on government by authorizing governmental bodies to charge the requester for the costs of retrieving, copying and supervising the records. How should a governmental body determine the amount to be charged?

The following principles apply when officials charge for access to open records:

- **Free Examination:** The governmental body cannot charge the requester a fee simply for examining an open record. Iowa Code sec. 22.2(1). Charges are limited to the costs of retrieving records, making copies of records, or supervising records.
- **Actual Costs for Copies:** The cost imposed for providing a copy of an open record "shall not exceed the cost of providing the service." Iowa Code sec. 22.3. Officials should ask themselves how much the copy really costs and should not include charges for expenses like a computer system's depreciation, copy machine maintenance, overhead, or electricity.
- **Reasonable Fees for Work:** "All expenses of the work" in providing access to records shall be paid by the requester and may include a "reasonable fee" for supervision. Iowa Code sec. 22.3. Expenses and fees may include time spent retrieving, copying and supervising the records. Expenses and fees for office personnel should be based on the hourly wage of the staff providing the service multiplied by the hours actually spent.

Remember: Government officials must provide open records for examination and copying at actual cost. Officials should not impose charges for access to open records that exceed the actual cost of providing the service. To keep costs down, officials should assign lower-paid staff as appropriate to retrieve, copy or supervise records and may exclude employee benefits from the hourly wage rate that is charged.

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 . (Click on "open government.")