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IPIB Monthly Column

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Q&A from the Iowa Public Information Board

By Margaret E. Johnson, Executive Director

Question: If an email, a report, or other document is composed, received, or stored on a personally owned cell phone, tablet, laptop, or other electronic device while a government employee is working remotely, is that a public record under Chapter 22?

Answer: Yes. If a government official or employee uses privately owned electronic devices or services, such as cell phones, computers, email accounts, smart phones, or such to conduct official government business, then the record generated is a public record.

When the document concerns public business relating to public duties of an official or employee, it is a public record. Recent years have shown a rapid explosion in electronic device ownership, making it easy to start a project at work, fine tune it at home, email drafts to colleagues and others, refine it on the work computer, carry it around the world on a flash drive, or store it indefinitely in ‘the cloud.’ Because of this ease of portability and expansion of the work site, the term “public records” no longer refers to a document in a paper file in a drawer in an office.

And, if the government official or employee is working remotely using personal electronic equipment, this may be the only way to access the public record unless it is shared and stored at the official government office.

Remember: A public record does not lose its public status by being retained on a privately owned electronic device.

Board Members

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Did You Know that the Iowa Public Information Board staff is available to assist you with questions or problems involving open meetings and public records in Iowa? During the month of April 2020, 75 contacts were made with the Iowa Public Information Board office.

TYPE	April 2020
Formal complaints	8
Advisory opinions	0
Declaratory orders	0
Informal complaints	8
Informal requests	47
Miscellaneous	12
TOTAL:	75

Who can contact the IPIB and how long does it take? Any person can contact the IPIB for assistance by telephone (515-725-1781), by email at ipib@iowa.gov, or on the IPIB website. In 2020, 300 identifiable people have contacted the IPIB. Of these, 106 were private citizens, 152 were government officials or employees, and 42 were members of the media. In 2020, 73% of the incoming contacts were resolved the first day, 12% were resolved in one to five days, and 15% were resolved in six or more days. Opinions, rulings, FAQs, reports, and training documents are available on the IPIB website – www.ipib.iowa.gov.