

Question: Can a government body charge a fee for a public records request?

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: Iowa Code section 22.2 grants every person the right to examine and copy a public record. This right includes “the right to examine a public record without charge while the public record is in the physical possession of the custodian of the public record.”

Section 22.3 sets forth the procedure to arrange for viewing and/or copying of public records. Section 22.3(1) allows a custodian to “adopt and enforce reasonable rules regarding the examination and copying of the records and the protection of the records against damage or disorganization.” The custodian is to provide a suitable place for examination and copying, but if it is impracticable to use the office of the custodian, then “the person desiring to examine or copy shall pay any necessary expenses of providing a place for the examination and copying.” When the custodian is a part-time employee, it will

require cooperation and coordination to set up the times and location for record review.

Section 22.3 also allows a government body to charge a “reasonable fee for the services of the lawful custodian or the custodian’s authorized designee in supervising the examination and copying of the records.” There is no set fee in the statutes; the government body must utilize “actual costs.” Prepayment can be required prior to fulfilling the request or releasing the records.

Actual costs are defined in Section 22.3(2) to include “only those expenses directly attributable to supervising the examination of and making and providing of copies of public records. Actual costs shall not include charges for ordinary expenses or costs such as employment benefits, depreciation, maintenance, electricity, or insurance associated with the administration or the office of the lawful custodian.”

Although not required by law, it is best practices for a government body to have a policy in place concerning fees.

Section 22.3A governs access to data processing software. A 2015 amendment to the statute requires the government body absorb some of the costs of record retrieval and release, while other parts of the amended section allow certain actual costs to be paid by the requestor.

The fees charged by government bodies are an issue across the state. While other states have laws that set the fees, Iowa allows the fees to be set based upon actual costs, which can vary widely. The IPIB does not have the authority to amend current law; that would be up to the Iowa Legislature. (Adapted from the IPIB website – www.ipib.iowa.gov)

ANNUAL FREEDOM OF INFORMATION COUNCIL MEETING AND EVENTS

The Iowa Freedom of Information Council will hold its annual meeting and “Celebrating a Free Press and Open Government” events on October 8, 2015. The Council is sponsoring a round table discussion on police body camera issues from 1 to 3 p.m. Other events include a reception with the IPIB Executive Director, the annual business meeting, and “Journalism’s Core ... The Contemporary First Amendment” banquet. More information is available at www.inanews.com.

IPIB Facts and Figures

During the month of August 2015, 61 contacts were made with the Iowa Public Information Board office.

TYPE	AUGUST 2015	JAN-AUG 2015
Formal complaints	10	75
Formal opinions	0	7
Declaratory orders	0	0
Informal complaints	16	104
Informal requests	35	356
Misc.	0	11
TOTAL:	61	553