

# SUNSHINE ADVISORY

A Bulletin on Iowa Open Meetings and Public Records Laws

By Attorney General Tom Miller – November 2006

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## Estimating Costs for Public Record Requests

*“Just how much is this going to cost?”*

Governmental bodies are allowed to charge for copies of public records. Charges may include the costs of retrieving, making copies, or supervising records, but should not exceed the cost of providing the service and should not include expenses like computer depreciation, copy machine maintenance, overhead, or electricity. (See April 2005 Sunshine Advisory, *Charges Under the Public Records Law: Impose Only Actual Costs!*) Still, expenses can mount up. Is the governmental body left holding the bag – and the requester left empty handed – if expenses total more than the requester can pay? How can governmental bodies and requesters avoid an ugly surprise when the expenses are totaled up?

**Governmental bodies may require payment for records in advance, but if payment in advance is required, expenses must be estimated for the requester.** (See Iowa Code sec. 22.3.) **When dealing with “estimated expenses,” follow these guidelines:**

- Timing: Estimated expenses should be provided to the requester “upon receipt of the request.” (Iowa Code sec. 22.3.) Time to respond to any public records request is very limited and the estimate must be provided to the requester right away.
- Reasonable threshold: Governmental bodies should set a reasonable threshold for requiring payment in advance. A reasonable threshold, for example, might be if copies will exceed 100 pages, or if the request will take more than three hours to compile.
- Component parts: Breaking estimates of expenses into component parts will allow requesters to pare down the request if the expenses are too high. If the volume of copies is high, the requester might opt to narrow the scope of the request. If the charge for the copying service is high, the requester might opt to copy the records personally.

**Remember: Requiring payment for public records in advance and providing estimated expenses should facilitate access to public records. Governmental bodies and requesters should work together to keep costs from becoming a barrier to access.**

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.”)