

SUNSHINE ADVISORY

A Bulletin on Iowa Open Meetings and Public Records Laws

By Attorney General Tom Miller – April 2007

Emergency Response Plans: What Information is Open to the Public?

State and local emergency management agencies are required by Iowa law to develop disaster emergency plans. Cities and schools also prepare emergency response and evacuation plans. How can we tell if our community is prepared? Are the plans open to the public? Can government officials limit access to sensitive security procedures or preparedness information?

Providing public access to emergency planning information requires a careful balancing of the public's right to know and the need to protect people and property.

- **Custodians have discretion:** A governmental body may maintain emergency preparedness information as confidential, if the body first makes a finding that releasing the information would create a risk to employees, visitors, persons, or property, or would significantly increase vulnerability. Iowa Code sec. 22.7(50).
- **Policies may vary:** Information may be kept confidential under section 22.7(50) only if the governmental body has adopted a rule or policy identifying the specific records or class of records which it deems confidential under the statute. Because the potential risks flowing from disclosure of specific types of emergency planning information will vary, policies also will vary among local emergency management agencies. Releasing a school's evacuation plan would raise different considerations, for instance, than releasing blueprints of a nuclear power plant.
- **Other restrictions:** There are several other provisions of state and federal law requiring state agencies and local commissions to maintain confidentiality of some planning documents and background information. For example, critical asset protection information compiled by the state homeland security and emergency management division can be shared with local officials only if they maintain it as confidential. Iowa Code sec. 22.7(45).

Remember: Iowa law balances the public's interest in knowing about emergency response plans with government's duty to protect people and property. Iowa law permits some information to be designated as confidential.

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.)



Iowa Attorney General's Office: Hoover Building, Des Moines, Iowa 50319.

On the Web: www.IowaAttorneyGeneral.org. (Click on "open government.")