



North Liberty

IOWA

Open Records Policy

- 1. Purpose.** This Open Records Policy defines the procedures and fees associated with handling open records requests made to the City of North Liberty.
- 2. Background.** The City of North Liberty (the City) is subject to Iowa's "Open Meetings" laws (Iowa Code Chapter 21) and "Open Records" laws (Iowa Code Chapter 22). Iowa Code Chapter 22 contains a broad definition of public records. The term includes "all records, documents, tape or other information, stored or preserved in any medium." At present, "in any medium" includes paper records, tape, computer hard drives, discs, microfiche, and other film. This definition is comprehensive and applies without respect to either the nature or purpose of a record or the City's reason for keeping it.

There are exceptions that protect certain records and documents from public disclosure. A number of these exceptions are listed in Iowa Code Chapter 22; others are provided elsewhere in the Iowa Code or by federal statute. Federal laws protect certain types of personal information from disclosure unless a law enforcement subpoena is provided, such as an individual's social security number and cable viewership history. Additionally, various categories of information routinely handled by the City are considered confidential and therefore protected from disclosure. These categories include but are not limited to:

- A. Confidential business information of the City;
- B. Personnel records;
- C. Personal identification information;
- D. City Attorney communications that are protected by state or federal law;
- E. Customer usage or consumption data;
- F. Confidential information received from other municipalities, utilities, regulatory agencies or law enforcement;
- G. Copyrighted material or trade secrets;
- H. Data processing software, except for records otherwise considered public and separable from the software; and
- I. Homeland security and emergency management plans.

As an organization subject to Iowa's Open Records law, the City may incur expenses and staff time to respond to records requests. The law requires the City to comply with records requests within

reasonable time limits and permits the City to charge reasonable fees reflecting the costs to produce copies and for staff to procure and prepare documents.

Government bodies are subject to suit for alleged violations of the Open Records laws. Citizens may file lawsuits to challenge government decisions to close a meeting or to keep records confidential. A finding of a violation may result in the voiding of official government action or payment of money damages. It is in the best interest of the City and its citizens that the City complies with applicable Open Records laws.

3. Goals. The goals of this policy are to provide direction on the handling of records requests; to standardize fees and costs associated with responding to records requests; and to promote consistent compliance with the applicable laws.

4. Designated Custodian for Chapter 22 Open Records Matters. Iowa Code Section 22.1(2) requires government bodies to delegate an official or employee as its "lawful custodian" responsible for implementing the requirements of Iowa Code Chapter 22 and to provide that information to public. The City's "lawful custodian" is the City Clerk or any employee delegated such responsibilities by the City Clerk.

5. Information Needed for Processing an Open Records Request. Records requests may come in the form of a letter, email, fax or verbal request. In order to accurately and timely process a records request, the City needs to know the full extent of the request and how to contact the requestor (name, address and phone number) in case the Clerk has any questions or concerns. If at all possible, the requestor should put his or her request in writing using the City's Open Records Request Form. Requests for information should identify the requestor and need to be sufficiently specific in order to allow City staff to accurately identify the records being sought and timely respond to the request.

6. Routine and Non-Routine Records Requests.

- A. Routine Requests. Routine records requests are those that are expected to be completed within 15 minutes and involve less than 10 pages of material. Routine records requests may be handled directly by the department involved with notice of the request. Examples of routine records requests include but are not limited to a customer's request for copies of his or her own billing records, requests for meeting minutes or agendas, and requests for copies of specific resolutions or ordinances.
- B. Non-Routine Requests. Non-routine records requests are those that are expected to take longer than 15 minutes to complete or involve more than 10 pages of material. City staff should provide a copy of any non-routine records request to the City Clerk immediately upon receipt. The City Clerk will coordinate the response to all non-routine records requests with affected departments through the chain of command.

7. Requestor's Options for Examining or Copying Records.

- A. In-person Examination of Records. Persons seeking public records within the control of the City may examine such records at City Hall between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except City holidays, and appointments are required. In-person examinations will be coordinated by the City Clerk. Adequate notice is required for in-person examinations as prior review and redacting of confidential or otherwise protected information may need to occur prior to a requestor's in-person review. In-person examinations will be supervised by City staff and conducted in a manner as directed by staff to prevent destruction, misappropriation, manipulation or disorganization of the original materials. After examination, persons seeking copies of public records need to specifically and clearly indicate which records are requested for copying.
- B. Personal Review Not Required. Requestors are not required by law to be personally present for the examination of records and, therefore, may ask that the City examine its records and provide copies of records that correspond to the request in accordance with the terms and conditions of this policy.

8. Form of Response to an Open Records Request – Paper Copies Only. It is City policy to provide paper copies of records. Responses provided in any other media are at City discretion and may incur additional fees.

9. Applicable Fees. The City's Open Records Policy Fee Schedule (a separate document), as updated from time to time, applies to all records requests. The City will provide 15 minutes of City staff time free of charge to respond to each requestor monthly. Under the Fee Schedule, a financial deposit may be required, and if required, no work will begin on a request until the deposit is received.

10. Estimated Response Time. City staff should not be expected to abandon or neglect their regular public duties to comply with an open records request and thus need sufficient time to make and deliver requested copies. The anticipated response times below are approximations:

Number of Pages Requested	Anticipated Response Time
1-10	3 full business days
11-100	4 full business days
101-500	7 full business days
501-1000	10 full business days
1000+	20 full business days
Each additional 1000 pages (or increment thereof)	10 full business days per additional 1000 pages

The City strives to respond to open records requests within 20 business days, but the above response times are estimates and therefore are not firm. If the requested material potentially

contains confidential information or is otherwise exempt from disclosure, additional time may be required for review and possible redacting of the material.

Disclaimer of Responsibility for Requestors Use of Information Obtained from the City.

Although records provided to a requestor may be deemed to be "open" or "public" records within the meaning of Iowa Code Chapter 22, the City recommends that any use of information provided by the City comply with all local, state, and federal laws, including but not limited to laws related to privacy, harassment, discrimination, debt collection, libel, slander and tort.



Open Records Request Guidelines

- 1. Information Required.** The City of North Liberty (the City) prefers that requestors put their records requests in writing using the City's Open Records Request Form. Requests for information should be sufficiently specific to identify the records being sought. Requests that are illegible, vague, or lack the necessary information cannot be fulfilled. Requests should also identify the party making the request and include the requestor's contact information.
- 2. In-Person Examination of Records.** Persons seeking public records within the control of the City may examine such records at City Hall between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except City holidays, and appointments are required. In-person examinations will be coordinated by the City Clerk. Adequate notice is required for in-person examination as prior review and redacting of confidential or otherwise protected information may need to occur prior to in-person examination. In-person examination will be supervised by City staff and conducted in a manner as directed by staff to prevent destruction, misappropriation, manipulation or disorganization of the original materials. After examination, persons seeking copies need to specifically and clearly indicate which records are requested for copying.
- 3. Personal Review Not Required.** Requestors are not required by law to be personally present for the examination of records and, therefore, may ask that the City examine its records and provide copies of records that correspond to the request in accordance with the terms and conditions of this policy.
- 4. Paper copies only.** It is City policy to provide paper copies of records. Responses provided in any other medium are at the City's discretion and may incur additional fees.
- 5. Fees.** The City's Open Records Policy Fee Schedule, as updated from time to time, applies to all open records requests. The City will provide 15 minutes of City staff time free of charge to respond to each requestor quarterly. The City, in its discretion, may require a minimum deposit to cover estimated copy charges and estimated fees for supervising the examination or for compiling of records in response to a request. All fees must be paid in full before any information will be released.
- 6. Reply Time.** City staff should not be expected to abandon or neglect their regular public duties to comply with an open records request and thus need sufficient time to make and deliver requested copies. The anticipated response times below are approximations:

Number of Pages Requested	Anticipated Response Time
1-10	3 full business days
11-100	4 full business days
101-500	7 full business days
501-1000	10 full business days
1000+	20 full business days
Each additional 1000 pages (or increment thereof)	10 full business days per additional 1000 pages

The City strives to respond to open records requests within 20 days, but these response times are estimates and are not firm. If the requested material potentially contains confidential information or is otherwise exempt from disclosure, additional time may be required for review and possible redacting of the material.

Disclaimer. Although records provided to a requestor may be deemed to be “open” or “public” records within the meaning of Iowa Code Chapter 22, the City recommends that requestors’ use of any information provided by the City comply with all local, state, and federal laws, including but not limited to laws related to privacy, harassment, discrimination, debt collection, libel, slander and tort.

7. Exceptions. Any requests for an exception or deviation from this policy must be approved in advance by the City Administrator.

Any questions concerning the City’s Open Records Request Guidelines, the City’s Open Records Policy or related procedures or fees should be directed to the records custodian:

City Clerk
City of North Liberty
3 Quail Creek Circle
PO Box 77
North Liberty, IA 52317
319-626-5700



Open Records Policy Fee Schedule

The following fees and costs may be charged pursuant to Iowa Code Chapter 22 for access to and/or copies of public records maintained by the City of North Liberty.

1. **Basic Fees.**

Service	Guidelines/Conditions	Fee
Copies of Paper Documents	B/W Photocopies- Standard 8 ½ x 11 size	\$0.10/page
	Color Photocopies- Standard 8 ½ x 11 size	\$0.25/page
	Oversized Copies	per estimate
Copies Transmitted by Facsimile (Fax)	Limit to 10 pages	\$1.00 / page (long distance) \$0.50 / page (local or toll-free)
Postage for Copies Mailed	Requestors are required to pre-pay for actual costs of postage. All copies will be sent certified mail, return receipt requested.	Actual cost
Photocopies from microfiche or other stored media		Same prices as for copies of paper documents

2. Labor: Non-incidental or supervisory services. The first 15 minutes of non-incidental or supervisory services provided by City staff in the search, preparation, retrieval, or supervision of examination of open records during a given month will be free of charge ("Free Service"). The Free Service is calculated based on time spent fulfilling any request placed in the same month by the same individual. For non-incidental or supervisory services performed by City staff in the search, preparation, retrieval, or supervision of examination of public records lasting longer than 15 minutes, requestors will be charged for each additional 15 minutes of services provided. The charge to the requestor will be based on the actual wages of the employees performing the services, and a requestor shall not have the right to request that particular employees perform the services. The above labor charges do not include the costs of employee benefits, depreciation,

maintenance, electricity, or insurance associated with the administration of the office, per Iowa Code §22.3. All examination and copying of public records shall be done under the supervision of the lawful custodian of the records or his or her designee. Unless a requestor makes other arrangements with the City, requested records will be available for the requestor's review for a period of one week after notification to the requestor that the originals are available for inspection and copying. If the requestor does not review the original records within one week or make other arrangements with the City, the requestor may incur additional charges for the additional time spent in the re-search, re-preparation, or re-retrieval of the records.

3. Other Applicable Fees and Deposits.

- A. Additional Costs. Any costs not covered by the above fee schedule shall be charged to the requestor based on the actual costs incurred by the City, including but not limited to all amounts charged to the City by third parties in connection with the fulfillment of any records request.
- B. Advance Deposits. If the City estimates the fees for the requested services will be greater than ten dollars (\$10.00), the City may require the requestor to make an advance deposit to cover all or part of the estimated fees. If a deposit is required, no work will begin on a request until the deposit is received. Any funds collected by the City in excess of the actual fees will be refunded to the requestor in a timely manner. If any requestor has not paid a previous amount due under this policy, the City shall require full payment of the previous amount due plus a full deposit for estimated services before processing a new request.
- C. Cumulative Charges. The charges outlined in Section 1 of this Fee Schedule are cumulative to the extent they reflect the actual cost to the City. For example, if a one-page document takes 30 minutes to locate and the requestor wants the document copied and mailed, the charges will include charges for the 30 minutes of retrieval services, \$0.10 for the photocopy or \$0.25 for a color photocopy, and the applicable postage charge for a certified mail delivery.



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Records Request Form

REQUESTOR'S INFORMATION

1. Name: _____
2. Mailing Address: _____
3. Phone Number: _____
4. Fax Number: _____
5. Email Address: _____
6. Other: _____

REQUEST (Please be as detailed as possible; include names, dates, subjects, meeting dates, resolution and ordinance numbers, project names, etc.)

Note: If a deposit is required, no work will begin on the request until the deposit is received.

I acknowledge the following:

The City of North Liberty staff should not be expected to abandon or neglect their regular public duties to comply with copy requests and thus need sufficient time to make and deliver any requested copies. If the requested material potentially contains confidential information or is otherwise exempt from disclosure, additional time may be required for review and possible redacting of the material. All requests will be processed in accordance with applicable procedures and rules.

Signature and printed name of requestor

Date of request

Details of Request (Office Use)

1. Form of Request: Email Fax Mail In Person / Verbal
2. Requesting: Copies In-Person Examination
3. Request Submitted on: _____ (include date and time)
4. Deposit Received on: _____ (date and time) in the amount of \$_____ by _____ (employee). (Use fee worksheet on back to calculate deposit.)
5. Request Processed on: _____ (include date and time)
6. Date on which City Attorney's Opinion sought, if applicable: _____

Notification of Records Ready (Office Use)

- Records are ready for pick up at City Hall during posted hours as of _____ (date)
- Records are ready for pick up by appointment on _____ (date and time)

Examination of original records scheduled at City Hall for _____ (date and time)

Records mailed to requestor on _____ (date) by certified mail

Requestor notified on _____ (date) by phone message email
 phone conversation in person
 other: _____

Notes or special requests: _____

Fees (Office Use)

Copy Charges: _____ B/W pages x \$0.10/page = \$ _____ \$
 _____ color pages x \$0.25/page = _____ \$
 oversized pages (per estimate) = _____

Fax Charges -- 10 page maximum: (long distance) _____ pages x \$1.00/page = \$ _____ \$
 (local or toll-free) _____ pages x \$0.50/page = _____

Postage Charges -- certified mail: actual cost = \$ _____

Non-Incidental and Supervisory Services: (15 minutes per month free) specify redacting time, search time, supervision of records examination, copying time, etc. _____
 _____ Initials of
 employee performing these services: _____

_____ hours (¼ hour increments) x \$ _____ hourly rate = \$ _____

Other Expenses: (specify copies to CD or alternate medium, expedited delivery, etc.)
 _____ \$ _____

TOTAL OF ALL FEES \$ _____
 less deposit received (if any) -\$ _____
 balance owed at pickup to be refunded \$ _____

Deposit reconciled/payment made on _____ by _____.

Acceptance and Receipt

Documents were received and acknowledged on:

Date Requestor's Full Name (Please Print)

City Staff Signature Requestor's Signature

Staple completed "Response to Records Request" packet to this form and retain for filing at City Hall. Customer is entitled to a copy of the completed form.



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Response to Open Records Request

Date: _____

Delivered by: certified mail in-person pickup fax email other: _____

To: _____

Name and Address of Requestor

Re: Open Records Request to the City of North Liberty concerning _____,
dated _____.

Number of pages enclosed: _____.

Enclosed are documents in response to your information request. Please call City Hall if you have any questions concerning this matter.

Although records provided to a requestor may be deemed to be "open" or "public" records within the meaning of Iowa Code Chapter 22, the City recommends that any use of information provided by the City comply with all local, state, and federal laws, including but not limited to laws related to privacy, harassment, discrimination, debt collection, libel, slander and tort.

A copy of this packet should be stapled to the Records Request Form and kept on file by the City, unless the Clerk creates a different record of the documents provided in response to a request.