

# **Policy to Inspect or have Copies of Public Records**

## **Statement of Policy**

It is the policy of the City of Zearing, Iowa to respond in an orderly and expeditious manner in accordance with Iowa Code Chapter 22 to requests to inspect or receive copies of public records maintained by the City of Zearing.

## **Applicability**

The City Clerk is the lawful custodian of all other city records.

## **Policy and Procedures**

### **In General**

The City of Zearing recognizes the right of the public to access public records maintained by the City in accordance with state law. The City also recognizes that certain records maintained by the City are not public records or may be exempt from public disclosure and that a request to access public records may require a balance of the right of the public to access the records, individual privacy rights, governmental interests, confidentiality issues, and privilege issues. Additionally, when the City responds to requests to inspect or copy records, costs are incurred by the City. This policy is adopted to balance these competing interests, to establish an orderly and consistent procedure for responding to public records requests and to support the adoption of a fee schedule designed to reimburse the City for the actual costs incurred in responding to public records requests.

### **Responding to Public Records Requests**

The following procedures shall be followed in responding to requests to inspect or receive copies of public records maintained by the City of Zearing.

1. Requests to inspect or copy public records maintained by the City should be made in writing sufficient to identify the specific document or documents requested or the category or categories of documents requested. Under the following circumstances, documents may be provided without a written request:

- a. Documents made generally available to the public at public meetings;
  - b. When, in the judgment of the City, it is more efficient and better serves the public interest to make available or provide copies of requested records without requiring the request to be in writing; and
  - c. This section should not imply that the city will not accept other forms of requests to inspect or copy public records.
2. Any request for access to public records maintained by the City of Zearing must be referred to the City Clerk's Office for review of the request, collection of the records to be reviewed or copied, and completion of request. Any request for public records which could be exempt from disclosure under the conditional exemptions in Iowa Code Section 22.7 may be referred to the City Attorney for review and response.
3. When a request for public records is received, a review will be conducted to determine what public records, if any, exist which are responsive to the request and to determine if any responsive records may be exempt from disclosure. The City shall not be required to compile information or create reports related to requested public records. The City may impose reasonable rules or restrictions to protect requested records and to prevent interference with the regular discharge of duties by City staff. According to Iowa Code Section 22.8(d) the City has a maximum of twenty (20) days and ordinarily will not exceed ten (10) business days to complete a public records request, in order to determine whether a confidential record should be available for inspection and copying.
4. The City reserves the right to seek clarification of any public records request before responding to the request. The City reserves the right to deny any public records request if the request is sufficiently vague or unclear that the City cannot reasonably determine what records have been requested.
5. The fee to be charged for providing records in response to a public records request will be as follows:
  - a. \$.10 per page fees for black and white photocopying. \$.25 per page fees for color photocopying.
  - b. Actual mailing costs.
  - c. Actual cost of media (CD, DVD, Tape, Film, etc.).
  - d. Actual cost of employee time to supervise the examination of a public record, if over one hour.

- e. Actual cost of employee time to retrieve a public record, if over one hour.
  - f. At the requestor's preference the City may make the requested records available in hard copy or in electronic format. The requestor may ask the City to supply copied records either by mail, electronic mail, fax or if pickup at Zearing City Hall.
  - g. The City reserves the right to adjust the above fee structure for extraordinary requests and provide a cost estimate to the requestor prior to request completion.
6. The person requesting the public records can request the City to prepare an estimate of the charges that will be incurred to respond to the public records request. The City may also require prepayment of the estimated charges before copying any of the requested records or making the records available for inspection or copying. If the actual costs incurred by the City to respond to a records request are less than the amount of any required prepayment, the overpayment will be refunded promptly to the person or entity making the prepayment. If the actual costs incurred by the City to respond to the request are more than the amount of prepayment, the City shall charge the requestor for all additional costs.
7. Unless otherwise prohibited by law, the City may, at the City's discretion, furnish copies of requested records without charge or at a reduced fee if the City determines that the waiver or reduction of fees is in the public interest.
8. The City shall provide a reasonable opportunity for the inspection, examination or copying of requested public records which are not exempt from disclosure. Unless otherwise approved in advance and in writing by the City Clerk's Office, any inspection, examination or copying of requested records shall be done at Zearing City Hall during regular City business hours.
9. The City reserves the right to not release copies of requested public records until the requestor pays for the corresponding charges to complete said request.