

## PUBLIC RECORDS REQUEST POLICY

### City of Urbandale, Iowa

Approved: June 23, 2015

1. **Statement.** The City of Urbandale (“City”, “City’s”) will respond in an orderly and timely manner to implement the requirements of Iowa Code “Examination of Public Records (Open Records)” and to fulfill requests from the public to examine, copy, publish or disseminate information in public records maintained by the City; except when the release of certain records is prohibited by State law.
2. **City Website:** Many records (i.e., agendas, minutes, departmental activities, documents, reports, etc.) are in the public domain and can be viewed and printed from the City’s website at [www.urbandale.org](http://www.urbandale.org) without submitting a request to access the records. Computers with internet access are available at the public Library.
3. **Records Recipient.** Under this City policy, each recipient of public records must comply with all laws including but not limited to laws relating to privacy, harassment, discrimination, debt collection, libel, slander and tort. Misuse of said information is in violation of the law and is exclusively the responsibility of the records recipient. The City denies any and all responsibility for how the information is used by the recipient, and if any claim is made against the City for misuse of information attributable to the recipient, the City shall pursue all available legal remedies against the recipient.
4. **Records Management.** There is no central office that handles all records of the City. The City Council adopted the Record Retention Manual for Iowa Cities for the retention and destruction schedule of public records. For the purposes of this policy:
  - a. Each Department Director is the “lawful City custodian” of the records in their respective department.
  - b. Each lawful City custodian will designate at least 1 (one) employee to maintain an inventory of the records and be familiar with the locations of the records that are the responsibility of that department per the City’s adopted Records Management Program.
5. **Request for Records.** A request to examine or copy or receive a record should be sent to the City department where the record is kept. If the requestor does not know where the record is kept, the request should be sent to the City Clerk, who will forward the request to the appropriate City department to respond to the requestor.
  - a. The lawful City custodian shall not require the physical presence of a person requesting or receiving a copy of a public record, and shall fulfill requests received by written, electronic, faxed, telephone or verbal means.
  - b. The requestor is not required to provide their name or the purpose for the request; however, the requestor’s information may be necessary if records need to be reproduced and provided at a later time to the person making the request or if payment is required in advance.

- c. The scope of the request should be as specific as possible:
    - 1. to describe the information sought,
    - 2. to reduce the time to locate the record/s, and
    - 3. to reduce fees to fulfill the request.
  - d. The lawful City custodian in the best interests of the City will determine the medium used to respond to a request.
  - e. The City will attempt to provide access to fulfill the request for records, but the City will not do research, analyze data, answer written questions, or create records in response to the request.
6. **Standard Time to Respond to a Request.** As per Iowa Code, the City will provide access to the record within 10 (ten) business days of the request under normal circumstances; unless delayed to determine whether the record is a public record or a confidential record, and such delay to determine whether a confidential record shall not exceed 20 (twenty) calendar days.
- a. A reasonable delay that may exceed the 20 (twenty) calendar days is not a violation if the purpose of the delay is:
    - 1. to seek an injunction or to determine if an injunction should be sought per Iowa Code; and/or
    - 2. to bring suit in District Court at the City's expense when there is doubt about the legality to allow access to examine or copy a record, or to seek a legal opinion per Iowa Code.
  - b. Should there be a delay to access the record, the lawful City custodian will notify the requestor of the reason and estimated length of delay if the requestor has provided a sufficient mailing address (street, PO Box or e-mail).
7. **Examination of Records.**
- a. Hours when Available. The examination of records is allowed during normal business hours Monday through Friday, from 8:00am to 5:00pm, excluding legal holidays, unless the lawful City custodian and requestor agree on a different time.
  - b. Examination:
    - 1. When a non-confidential record is in the physical possession of the lawful City custodian at the time of the request, the record may be examined without charge.
    - 2. When a non-confidential record is transported to the lawful City custodian as a result of a request, applicable fees become chargeable to the requestor and delivery does not then constitute physical possession.
  - c. To protect the records from damage or disorganization during examination and copying the lawful City custodian or designee:
    - 1. may oversee the examination,
    - 2. may limit the requester from physically handling the documents to protect the documents or media;
    - 3. may adopt and enforce reasonable rules,
    - 4. may charge for supervising the examination and copying of records,
    - 5. shall provide a suitable place in the office, or
    - 6. when a suitable place is not available, the requestor shall pay any expenses for the City to provide a place.

8. **Fees.** When the City responds to a request to examine and/or copy records, costs are incurred to provide the services and the records, in addition to searching for, locating, and retrieving the records.
- a. This policy provides for a fee schedule established by a City Council Resolution to recover some of the direct costs incurred to respond to requests for public records.
  - b. Fulfilling a request may be contingent upon receipt of payment, and when applicable an estimated cost shall be provided by the City upon receipt of the request.
  - c. All actual costs charged to the City by the off-site records management storage related to the request for the probable or actual records requested will be added to the charge to be paid by the requestor.
  - d. Any legal costs charged to the City for the City Attorney to review and to determine if a record is confidential will be added to the charge to be paid by the requestor.
  - e. While the Iowa Code indicates that all expenses of the examination and copying shall be paid by the person desiring to examine or copy, the lawful City custodian and/or designee for each department that maintains records will exercise discretion to consider the cost-effectiveness of its investment of administrative resources to provide the services. Such consideration may include:
    1. The level of effort for a request requiring none or a little search, review, or analysis that could be processed immediately or soon after the request is received.
    2. The level of effort for a request from a news media organized or operated to publish or broadcast news to the public.
    3. The level of reciprocity with other publically funded entities or professional entities, since the City is not normally charged a fee for the records the City receives.
  - f. City employees:
    1. Current and former City employees would not be charged for records supervision when examining their personnel file or for a reasonable number of copies made of records contained within their personnel file, or other employment and benefits information documents, when such records are on premise.
    2. Employees should pay the rate set by Resolution for copies of non-personnel related items; except employees will not receive the initial two (2) non-personnel copies without charge.

9. **Prohibited Public Access and Confidential Records.** In accordance with Iowa Code this policy recognizes that certain electronic data and confidential records maintained by the City are not available for public access and will be withheld from public access.
- a. **City Attorney Review.** In the event that the request for records is not sufficiently definite for City staff to determine whether documents included in the request are confidential, the City Attorney/or the City Attorney's designee will review the request; and if there is a charge to the City for this legal review the City will pass the charge to the requestor for payment.
- b. **Denial and Appeal.** If the request for records is denied in whole or in part, and the requestor indicates there is a legal reason that the records should have been disclosed, the requestor must submit a written, electronic or faxed appeal within 30 (thirty) calendar days clearly marked as "Records Request Appeal" to:
- City of Urbandale  
Attn: City Manager – "Records Request Appeal"  
3600 86<sup>th</sup> Street  
Urbandale, IA 50322
  - or by Fax to (515) 331-6755 - "Records Request Appeal"
  - or by E-Mail to [cityhall@urbandale.org](mailto:cityhall@urbandale.org) - "Records Request Appeal"