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Agenda

July 11, 2022 3:00 p.m.

Wallace Building

502 East 9th Street, Des Moines

3rd Floor IPIB Office Conference Room

3:00 PM – IPIB Rules Public Hearing

I. Public Comment: Any interested person may submit written or oral comments regarding the rule being considered, ARC # 6360C.

The Iowa Public Information Board (IPIB) hereby proposes to amend Chapter 2, "Complaint Investigation and Resolution Procedures," and Chapter 4, "Contested Cases," and to adopt a new Chapter 11, "Public Records," Iowa Administrative Code.

II. Adjourn Public Hearing

The following rule-making actions are proposed:

Item 1. Rescind subrule **2.1(6)**.

Item 2. Rescind and reserve rule **497—4.17(17A)**.

Item 3. Adopt the following **new** 497—Chapter 11:

CHAPTER 11 PUBLIC RECORDS

497—11.1(22) Timely compliance with public records requests. Government bodies shall give a high priority to fulfilling requests for copies of public records.

497—11.2(22) Acknowledgment. A government body must acknowledge the receipt of a public records request.

11.2(1) A public records request shall be acknowledged in writing, where contact information has been provided, within two business days after receipt by the lawful custodian, including, but not limited to, in the following circumstances:

- a.* A verbal request, within two business days after a telephone call is received, a voicemail message is received, or an oral request is made in person;
- b.* A request sent by first-class mail, within two business days after the letter is opened;
- c.* A request sent by email, within two business days after the email is opened;
- d.* A request sent by fax, within two business days after the fax is received; or
- e.* A request received by other means, including social media, within two business days after the communication is received.

11.2(2) An acknowledgment must include the name and contact information of the person responsible for processing the public records request.

497—11.3(22) Processing. Access to an open record shall be provided promptly upon request unless the size or nature of the request makes prompt access infeasible. If the size or nature of the request for access to an open record requires time for compliance, the custodian shall comply with the request as soon as feasible.

497—11.4(22) Good-faith reasonable delay. In providing prompt access to an open record, or providing access as soon as feasible, for the purpose of examination and copying, the lawful custodian may engage in a good-faith reasonable delay, including for the purposes of:

11.4(1) Seeking an injunction under Iowa Code section [22.8](#);

11.4(2) Determining whether the lawful custodian is entitled to seek or should seek an injunction;

11.4(3) Determining whether the record requested is a public record or a confidential record; or

11.4(4) Determining whether a confidential record should be available for inspection and copying to the person requesting the right to do so. A reasonable delay for this purpose shall not exceed 20 calendar days and ordinarily not exceed 10 business days.

497—11.5(22) Gathering multiple records in response to a public records request. When multiple records are being gathered in response to a public records request, a necessary delay in providing access to one or more records shall not delay providing access to the balance of the records requested.

497—11.6(22) Factors affecting timely compliance. In assessing whether a government body provided access to records promptly, or as soon as feasible, the following factors may be considered:

11.6(1) The number of records requested;

11.6(2) The difficulty of searching for or retrieving the records requested;

11.6(3) The difficulty of formulating effective search criteria for retrieving electronic records; and

11.6(4) The existence of unforeseen circumstances that reasonably interfered with the lawful custodian's ability to search for or retrieve the requested records.

497—11.7(22) Examining a public record without charge. Nothing in this chapter regarding timely compliance with requests for copies of public records shall adversely affect the right to examine a public record without charge while the record is in the physical possession of the lawful custodian.

These rules are intended to implement Iowa Code chapter [22](#).