

Open Records Policy

Policy: IDR Open Records Policy establishes the procedure in which open records requests, under Iowa Code chapter 22, are to be handled.

Purpose: The purpose of this policy is to assure that all open records requests are processed in a timely and legally-compliant manner. Further, this policy will seek to assure that no confidential information is inadvertently released through an open records request.

Scope: All open records requests, as defined by Iowa Code chapter 22, are encompassed in this Policy.

Policy Controls:

Open records requests may be submitted through a variety of means, including email, phone call, fax, verbal request via walk-in, or GovConnectIowa ("GCI"). Requestors may not be restricted in the manner in which a request may be submitted. Further, the identity of the requestor or the purpose of the request is immaterial to the content of IDR's response to the request.

Initial Response to Request: When an open records request is received by any employee, contractor, or other agent of IDR, it should be forwarded to the appropriate point person.

<u>Area of Request</u>	<u>Point Person</u>
Alcoholic Beverages	Stephanie Strauss
Lottery	Mary Neubauer
All other requests	John Fuller

Point persons should reach out to the requestor to acknowledge receipt of the open records request within 48 working hours of receipt of the request.

Processing: Point persons will initially evaluate this request for the following:

- (1) Is the request clear as to the records requested? If not, the point person is to contact the requestor to clarify.
- (2) Is IDR the custodian of these records?
- (3) Are the records fully confidential? If so, contact the requestor with such information.
- (4) What is the time commitment necessary to compile and review the records?

Point persons should consult with any appropriate person necessary, including fellow point persons, legal, subject matter experts, etc, to make these determinations.

Once the point person has determined that the request may be fulfilled by IDR, the point person should proceed to gather all necessary records. As above, the point person should consult with any appropriate person necessary to fulfill this request.

Creation of Documents. IDR is not required to create a new record to comply with an open records request, but is instead only required to turn over existing records. However, IDR may choose to create a record responsive to the request for customer service purposes.

Legal Review. All open records requests should be reviewed by at least one attorney prior to release. Legal Services & Appeals will review all requests prior to release. Lottery requests may also be reviewed by the Lottery-assigned Assistant Attorney General. ABD requests may also be reviewed by the ABD-assigned Assistant Attorney General. Point persons may work with legal to coordinate blanket approval of rote requests, when appropriate.

Fees. Until changes are made to the administrative rules, each area will continue to charge for records as per their respective rules:

(a) Alcoholic Beverages

- (i) Under Iowa Administrative Code rule 185-18.3, alcoholic beverages adopts the Uniform Rules on Agency Procedure for the purposes of open records, which allow that “an hourly fee may be charged for actual agency expenses in supervising the examination and copying of requested records” Alcoholic beverage rules specify that fees may apply when such time expended exceeds thirty minutes. The “hourly fee shall not be in excess of the hourly wage of an agency clerical employee who ordinarily would be appropriate and suitable to perform this supervisory function.”

(b) Lottery

- (i) Under Iowa Administrative Code rule 531-1.5(5), “[t]he lottery may charge reasonable fees, including staff research and copying time, for the processing of any public records production requests.”
- (ii) Lottery’s published open records policy may be found [here](#), which further outlines details of the Lottery’s fee policy.
- (iii) Lottery provides up to ten (10) paper copies free of charge. Additional paper copies are provided at 10 cents per page.

(c) All other areas

- (i) Under Iowa Administrative Code rule 701-5.3(6), IDR “may charge fees in connection with the search, retrieval, examination, and copying of requested records.” Staff assisting in any open records request should track the time spent complying with the request. “An hourly fee may be charged for actual department expenses associated with the search, retrieval, and examination of requested records. The fee shall be based upon the pay scale of the employee involved and other actual costs incurred. The department provides the first two hours of search, retrieval, and examination free of charge.” Iowa Administrative Code r. 701-5.3(6)(c).

- (ii) “Within a reasonable time after a request is made, the department shall provide to the requester an estimated fee of the actual costs expected to be incurred by the department in fulfilling the request.” Iowa Administrative Code r. 701-5.3(6)(d).
- (iii) An advanced payment covering all or part of the estimated fee may required if:
 - (1) The estimated total fee exceeds \$25
 - (2) When a requestor has previously failed to pay a fee for an open records request
- (iv) The payment of fees may be waived when the imposition of fees is inequitable or when a waiver is in the public interest. This decision is made by the Director or Deputy Director, in consultation with the relevant point person and the Public Information Officer.

Notification of the Director:

The Director should be notified of any request that the point person suspects may lead to public interest in IDR, could raise issues or questions with the Legislature, could have negative implications for other state agencies or officers, or other similar issues. If the point person suspects that a request meets this criteria, the point person should contact the Public Information Officer, who will inform the Director.

Technology:

IDR accepts requests via its online portal GCI. Further, all requests are managed and stored in IDR’s tax management system, IMPACT.

Alcoholic Beverages accepts requests via its NextRequest Public Information Portal. Further, all requests are managed from this system. As Alcoholic Beverages converts its processing into IMPACT (Rollout 5), ABD will transition to using GCI/IMPACT for open records request, and decommission its use of NextRequest.

Lottery does not currently utilize a system to accept or manage requests.

The point persons should stay in contact with each other, to assure that any requests that cross areas are adequately addressed.