



## **BENTON COUNTY OPEN RECORDS POLICY**

1. **Purpose.** Benton County wants to ensure that the laws regulating government records are being enforced and followed. Iowa Open Records laws are regulated under Chapter 22 of the Iowa Code and are designed to ensure the public's right to access public records at all levels of government.
2. **Policy.** It is the policy of Benton County to ensure the public's right to examine and photocopy public records in conformance to the laws under Chapter 22 of the Iowa Code. It is also the policy of this County to inform the public of the procedures necessary to request a public record including and not limited to the method(s) of requesting a public record. The County's policy includes costs associated with requesting any public record that is consistent with Iowa Open Records laws.
3. **Scope of Application.** This policy applies to all Benton County departments that maintain public records of the County.
4. **Procedures to Requesting Open Records.** The procedures to examine or copy a public record from Benton County are as follows:
  - a. These procedures are set to effectively fulfill all requests to exam and copy public records maintained in Benton County as required by state and federal law, subject to exceptions stated therein.
  - b. All requests must be made in writing by filling out the Benton County Open Records Request Form and must be sent to the Department that contains the records requested by the requestor.
  - c. All requestors are subject to the fees as determined under Section 6 of this policy. Please note an estimate of costs may be provided to the requestor prior to fulfilling an open records request if the work to complete an open records request exceeds 30 minutes. **If fees are required, then the requestor must pay estimate in full before fulfilling request.**
  - d. Each Department head or director of the Department are hereby delegated with the responsibility of performing the requirements of Chapter 22 with respect to records maintained within their respective departments. When a Department receives an Open Records Request Form, they shall also provide a copy to the Benton County Auditor's Office.

- e. In-person examination of public records can be made with each department between the hours of 8:00 am through 4:30 pm on Monday through Friday except holidays. Staff members must be present during the examination of the public records to ensure that the record is not damaged, destroyed, lost, or disorganized in a file folder. Additionally, if any redacting of confidential information needs to be handled and/or locating the records takes more than 30 minutes, then the Requestor is subject to pay fees for fulfilling their request.
- f. To request copies of public records must be done by writing through a form, as attached to this policy. This form will then be provided to each department with adequate time and information to prepare the copies. These forms have to be completed and delivered to the specific department before a request can be fulfilled.
- g. Requests involving multiple Departments will be coordinated by the Benton County Auditor's Office.
- h. Regardless of request, all records are subject to review and may forbid immediate access to the requested public record. The lawful custodian is to determine
  - (1) whether a public record contains confidential information that requires redaction; and
  - (2) whether access is withheld pursuant to Iowa Code §§22.7, 22.8, or any other applicable laws.
- i. When a public record request is denied in whole or in part, the requestor shall be provided with an explanation, supported by law, for the denial.

## **5. Confidential Records.**

The Iowa Code dictates the information and records that are to be considered confidential. Most information within a public record can be redacted, but some public records are strictly confidential and cannot be open to the public. These public records that are deemed confidential by multiple legal authorities and not just limited to the explicit language within Iowa Code §22.7. It is crucial to understand that by releasing confidential public records contrary to law, it could result in penalties to the County and/or individuals who release such records.

When there is a question of confidentiality, a department within Benton County should consult with the Benton County Attorney's Office to determine whether the document should be released or be deemed confidential by law. If a record is deemed confidential and cannot be examined, copied, or otherwise redacted, the County will provide an explanation by citing the legal authority that prevents the public record from being disclosed.

**6. Fees and Reasonable Costs for Public Record Requests.** Chapter 22 of the Iowa Code allows for reasonable expenses for examining and copying public requests by the requestor. The fees and procedures are as follows:

- a. After a request has been made in writing, an estimate will be provided to the requestor prior to fulfilling request. This estimate sheet is attached to this policy.
- b. Department Responsibilities. Departments that are fulfilling an open records request are responsible for calculating the estimates and appropriate charges using the guidelines under this section.
- c. Staff Time Fee. Requests requiring more than 30 minutes of staff time will incur charges. All staff time will be rounded up to nearest 15 minutes, after the initial 30-minute period, and will be billed based on the hourly rate of the staff involved in the request. The hourly rate will be calculated by the Department Head. The following actions are considered Staff Time:
  - (1) Time spent retrieving potentially responsive documents;
  - (2) Reviewing documents for responsiveness, confidential or other information exempt from disclosure;
  - (3) Redaction; and
  - (4) Time spent supervising or assisting the examination of records by the requestor on site.
- d. County Attorney Fee. The Benton County Attorney's Office may be consulted to determine whether the records requested are confidential. The reviewing attorney will provide the legal basis for withholding a public record. The County Attorney Fee will be rounded up to nearest 15 minutes, after the initial 30-minute period, and will be billed based on the hourly rate of the reviewing attorney who redacts or reviews legally protected confidential information.
- e. Copying Fee. Any photocopies made of a public record shall be assessed at a fee of \$0.50 per printed copy.
- f. Mailing Public Records. The requestor is responsible for the postage and shipping costs of delivering the public records to the requestor. These costs will be charged at cost.
- g. Miscellaneous Fees. The requestor that requests for a transmission of public records on a data storage device or any other medium shall assume the actual cost of that medium.



## BENTON COUNTY OPEN RECORDS REQUEST FORM

Iowa Code Chapter 22 provides the public with the right to examine and photocopy public records. Chapter 22 allows government bodies to charge reasonable costs before fulfilling open records request. The Fees and Reasonable Costs determination is provided under Section 6 of the Benton County Open Records Policy and is available on the County's website. Please note that certain requests may take additional time for redacting documents prior to examination or copying. PAYMENT IS REQUIRED BEFORE RECEIVING REQUEST.

### Requestor's Information (please print):

Name: \_\_\_\_\_ Company Name (if applicable): \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Cell Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Fax Number: \_\_\_\_\_

### Request:

I am requesting the following records (please provide as much detail as possible, more detail may result in less time to fulfill request):

I am requesting (select all that apply):

In person examination of records

Photocopies of records

Copy of records to be emailed

Records on a data storage device

Other \_\_\_\_\_

\_\_\_\_\_  
Requestor's Signature

\_\_\_\_\_  
Date