



City of Altoona

Open Records Policy

1. **Purpose.** This Open Records Policy defines the procedures and fees associated with handling open records requests made to the City of Altoona.
2. **Background.** The City of Altoona (the City) is subject to Iowa's "Open Meetings" laws (Iowa Code Chapter 21) and "Open Records" laws (Iowa Code Chapter 22). Iowa Code Chapter 22 contains a very broad possible definition of public records. The term includes "all records, documents, tape or other information, stored or preserved in any medium." At present, "in any medium" includes paper records, tape, computer hard drives, discs, microfiche, and other film. This definition is comprehensive and applies without respect to either the nature or purpose of a record or the organization's reason for keeping it.

There are exceptions that protect certain records and documents from public disclosure. A number of these exceptions are listed in Iowa Code Chapter 22; others are provided elsewhere in the Iowa Code or by federal statute. Federal laws protect certain types of customer information from disclosure unless a law enforcement subpoena is provided, such as a customer's cable viewership history, email records and internet records. Additionally, various categories of information routinely handled by the City are considered confidential and therefore protected from disclosure. These categories include but are not limited to:

- A. Confidential business information of the City;
- B. Personnel records;
- C. Personal identification information;
- D. City Attorney communications;
- E. Customer usage or consumption data;
- F. Confidential information received from other municipalities, utilities, regulatory agencies or law enforcement;
- G. Copyrighted material or trade secrets;
- H. Data processing software, except for records otherwise considered public and separable from the software; and
- I. Homeland security and emergency management plans.

As an organization subject to Iowa's Open Records law, the City may incur expenses and staff time to respond to records requests. The law requires the City to comply with records requests within reasonable time limits and permits the City to charge reasonable fees reflecting the costs to produce copies and for staff to procure and prepare documents.

Government bodies are subject to suit for alleged violations of the Open Records laws. Citizens may file lawsuits to challenge government decisions to close a meeting or to keep records confidential. A finding of a violation may result in the voiding of official government action or payment of money damages. It is in the best interest of the City and its customers that the City complies with applicable Open Records laws.

3. **Goals.** The goals of this policy are to provide direction on the handling of records requests; to standardize fees and costs associated with responding to records requests; and to promote consistent compliance with the applicable laws.
4. **Designated Custodian for Chapter 22 Open Records Matters.** Iowa Code Section 22.1(2) requires government bodies to delegate an official or employee as its "lawful custodian" responsible for implementing the requirements of Iowa Code Chapter 22 and to provide that information to public. As of 2010, the City's "lawful custodian" is the City Clerk or any employee delegated such responsibilities by the City Clerk.

5. **Information.** Needed for Processing an Open Records Request. Records requests may come in the form of a letter, email, fax or verbal request. In order to process a records request, the City needs to know the full extent of the request and how to contact the requestor (name, address and phone number). If at all possible, staff should ask the requestor to put his or her request in writing using the City's Open Records Request Form. Requests for information must be sufficiently specific to identify the records sought and must identify the requestor.

6. **Routine and Non-Routine Records Requests.**

A. *Routine Requests.* Routine records requests are those that are expected to be completed within 15 minutes and involve less than 10 pages of material. Routine records requests may be handled directly by the department involved with notice of the request. Examples of routine records requests include but are not limited to: a customer's request for copies of his or her own billing records, requests for meeting minutes or agendas, and requests for copies of resolutions or ordinances.

B. *Non-Routine Requests.* Non-routine records requests are those that are expected to take longer than 15 minutes to complete and involve more than 10 pages of material. City staff should provide a copy of any non-routine records request to the City Clerk immediately upon receipt. The City Clerk will coordinate the response to all non-routine records requests with affected departments through the chain of command.

7. **Requestor's Options for Examining or Copying Records.**

A. *In-person Examination of Records.* Persons seeking public records within the control of the City may examine such records at City Hall between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except City holidays, and appointments are required. In-person examinations shall be coordinated with the City Clerk. Adequate notice is required for in-person examinations as prior review and redacting of confidential or otherwise protected information may need to occur prior to a requestor's in-person review. In-person examinations will be supervised by City staff and conducted in a manner as directed by staff to prevent destruction, misappropriation, manipulation or disorganization of the original materials. After examination, persons seeking copies of public records shall specifically and clearly indicate which records are requested for copying.

B. *Personal Review Not Required.* Requestors are not required by law to be personally present for the examination of records, and a requester may ask that the City examine its records and provide copies of records that correspond to the request.

8. **Form of Response to an Open Records Request – Paper copies and electronic .pdf attached to email ONLY.**

It is City policy to provide paper copies of records or .pdf copies that can be attached to emails. Responses provided in any other media are at City discretion and may incur additional fees.

9. **Applicable Fees.** The City's Open Records Policy Fee Schedule (a separate document), as updated from time to time, applies to all records requests. Under the Fee Schedule, a financial deposit may be required, and if required, no work will begin on a request until the deposit is received.

10. **Estimated Response Time.** City staff shall not be expected to abandon or neglect their regular public duties to comply with an open records request and thus shall be afforded sufficient time to make and deliver requested copies.

The City strives to respond to open records requests within 20 business days, but the above response times are estimates and are not firm. If the requested material potentially contains confidential information or is otherwise exempt from disclosure, additional time may be required for review and possible redacting of the material.

11. **Disclaimer of Responsibility for Requestors Use of Information Obtained from the City.** Although records provided to a requestor may be deemed to be "open" or "public" records within the meaning of Iowa Code Chapter 22, requestors shall be advised that their use of any information provided by the City must comply with all local, state,

and federal laws, including but not limited to laws related to privacy, harassment, discrimination, debt collection, libel, slander and tort. Misuse of any information provided by the City by a requestor in violation of the law is exclusively the requestor's responsibility. The City denies all responsibility for how requested information is used by a requestor. If any third party makes a claim against the City for misuse of this information attributable to a requestor, the City reserves the right to pursue all available legal remedies against the requestor. The City also disclaims any responsibility for the accuracy or completeness of any information provided in response to an open records request. Any use of the information provided is at the requestor's own risk.



City of Altoona

Open Records Request Guidelines

- Information Required.** The City of Altoona (the City) prefers that requestors put their records requests in writing using the City's Open Records Request Form. Requests for information should be sufficiently specific to identify the records being sought. Requests that are illegible, vague, or lack the necessary information will not be honored. Requests must also identify the party making the request and include the requestor's contact information.
- In-Person Examination of Records.** Persons seeking public records within the control of the City may examine such records at City Hall between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except City holidays, and appointments are required. In-person examinations must be coordinated with the City Clerk. Adequate notice is required for in-person examination as prior review and redacting of confidential or otherwise protected information may need to occur prior to in-person examination. In-person examination will be supervised by City staff and conducted in a manner as directed by staff to prevent destruction, misappropriation, manipulation or disorganization of the original materials. After examination, persons seeking copies shall specifically and clearly indicate which records are requested for copying. Again, the City prefers such requests be made in writing using the City's Open Records Request Form.
- Personal Review Not Required.** Requestors do not have to be personally present for records examination and may request the City provide copies of records that correspond to the request. Requestors must specify whether they want in-person examination or staff copying of requests.
- Form of Response to an Open Records Request – Paper copies and electronic .pdf attached to email ONLY.** It is City policy to provide paper copies of records or .pdf copies that can be attached to emails. Responses provided in any other media are at City discretion and may incur additional fees.
- Fees.** The City's Open Records Policy Fee Schedule, as updated from time to time, applies to all open records requests. The City will provide 15 minutes of City staff time free of charge to respond to each requestor quarterly. The City may require a minimum deposit to cover estimated copy charges and estimated fees for supervising the examination or for compiling of records in response to a request. All fees must be paid in full before any information will be released.
- Response Time.** City staff shall not be expected to abandon or neglect their regular public duties to comply with an open records request and thus shall be afforded sufficient time to make and deliver requested copies.

The City strives to respond to open records requests within 20 business days, but the above response times are estimates and are not firm. If the requested material potentially contains confidential information or is otherwise exempt from disclosure, additional time may be required for review and possible redacting of the material.

Disclaimer. Although records provided to a requestor may be deemed to be "open" or "public" records within the meaning of Iowa Code Chapter 22, the City recommends that requestors' use of any information provided by the City comply with all local, state, and federal laws, including but not limited to laws related to privacy, harassment, discrimination, debt collection, libel, slander and tort.

7. **Exceptions.** Any requests for an exception or deviation from this policy must be approved in advance by the City Administrator. Any questions concerning the City's Open Records Request Guidelines, the City's Open Records Policy or related procedures or fees should be directed to the records custodian:

City of Altoona
Attn: City Clerk
900 Venbury Ave.
Suite A
Altoona, IA 50009
515-967-5136



Open Records Policy Fee Schedule

The following fees and costs may be charge pursuant to Iowa Code Chapter 22 for access to and/or copies of public records maintained by the City of Altoona.

1. **Basic Fees.**

Section 1 - Paper Based Copies			
<u>Sheet Size</u>	<u>Cost Per Copy</u>		
	<u>Black/White</u>		<u>Color</u>
8.5" x 11" (Letter)	\$	0.15	\$ 0.45
8.5" x 14" (Legal)	\$	0.20	\$ 0.60
11" x 17"	\$	0.25	\$ 0.75
Large Document Copier/Printer	\$	0.25	per sf \$ 0.40
<u>Zoning Maps</u>			
11" x 17"	\$	-	\$ -
36" x 36"	\$	2.50	\$ 4.00

Section 2 - Digital Data Copies (Geographical Information Systems)**	
	<u>Cost Per Copy</u>
- CD	\$ 1.00
- DVD	\$ 2.00
- GIS Data Layer File	\$ 10.00
- Thumb Drive	\$ 5.00
** - The following organizations are exempt from Digital Data Copy Charges	
1. Other Local Governments	
2. State Agencies	
3. Federal Agencies	
4. School Districts	
5. Tax-supported Universities and Community Colleges	
6. Non-Profit Agencies	

Section 3 - Shipping and Handling
- All shipping and handling charges incurred by the City will be added to copy charge.

2. **Labor: Non-incidentual or supervisory services.** For non-incidentual or supervisory services performed by City staff in the search, preparation, retrieval, or supervision of examination of public records lasting longer than 15 minutes, requestors will be charged for each additional 15 minutes of services provided. The charge to the requestor

will be based on the actual wages of the employees performing the services, and a requestor shall not have the right to request that particular employees perform the services. The above labor charges do not include the costs of employee benefits, depreciation, maintenance, electricity, or insurance associated with the administration of the office, per Iowa Code §22.3.

All examination and copying of public records shall be done under the supervision of the lawful custodian of the records or his or her designee. Unless a requestor makes other arrangements with the City, requested records will be available for the requestor's review for a period of one week after notification to the requestor that the originals are available for inspection and copying. If the requestor does not review the original records within one week or make other arrangements with the City, the requestor may incur additional charges for the additional time spent in the re-search, re-preparation, or re-retrieval of the records.

3. Other Applicable Fees and Deposits.

A. *Additional Costs.* Any costs not covered by the above fee schedule shall be charged to the requestor based on the actual costs incurred by the City, including but not limited to all amounts charged to the City by third parties in connection with the fulfillment of any records request.

B. *Advance Deposits.* If the City estimates the fees for the requested services will be greater than ten dollars (\$10.00), the City may require the requestor to make an advance deposit to cover all or part of the estimated fees. If a deposit is required, no work will begin on a request until the deposit is received. Any funds collected by the City in excess of the actual fees will be refunded to the requestor in a timely manner. If any requestor has not paid a previous amount due under this policy, the City shall require full payment of the previous amount due plus a full deposit for estimated services before processing a new request.

C. *Cumulative Charges.* The charges outlined in Section 1 of this Fee Schedule are cumulative to the extent they reflect the actual cost to the City. For example, if a one-page document takes 30 minutes to locate and the requestor wants the document copied and mailed, the charges will include charges for the 30 minutes of retrieval services, \$0.15 for the photocopy or \$0.45 for a color photocopy, and the applicable postage charge for a certified mail delivery.