



Administrative Policy No. 05

Subject: Public Record Requests

Adopted: 05/02/2022

Amended:

Introduction:

Every person shall have the right to examine and copy a public record and to publish or otherwise disseminate a public record or the information contained in a public record. Unless otherwise provided for by law, the right to examine a public record shall include the right to examine a public record without charge while the public record is in the physical possession of the custodian of the public record. The right to copy a public record shall include the right to receive photographic copies while the public record is in the possession of the custodian of the public record.

Purpose:

This policy is intended to describe the steps necessary to comply with Iowa Open Records laws. For the purpose of this policy, the City Clerk or authorized designee shall be designated as custodian of the official records for the City of Cedar Falls. For purposes of this policy a “public record” is as defined by state law.

Procedure:

1. It shall be the policy of the City of Cedar Falls that all requests for records be directed to the custodian of records, with the exception of police and fire records, in which case the police chief or fire chief shall be the custodian of those records. The custodian of records shall determine which city staff will be involved in the retrieval of records based on the scope of the request.
2. All requests for records shall be submitted in writing or confirmed by the custodian of records in writing. The requests shall be specific to ensure that the requester is provided with the records being sought. The custodian of records may respond to the requester in order to seek clarification if the custodian of records believes the request is vague and/or appears to encompass a large amount of records.
3. It shall be the policy of the City to respond to most requests for records within 10 business days. However, responses to such requests may be delayed as reasonably necessary depending on the scope of request and/or determination of confidential records. A reasonable delay for this purpose shall not exceed 20

calendar days.

4. Confidential records, as defined in Iowa Code Chapter 22, shall not be released and shall be kept confidential unless ordered by a court or by another person duly authorized to release such information. The custodian of records shall consult the city attorney concerning requests for records that may be considered confidential records. The custodian of records or the city attorney shall inform the requesting party in writing of any denial of records due to confidentiality.
5. The City is not required to create records or reports that do not exist prior to the request.
6. In-person examination and/or copying of public records shall be done under the supervision of the custodian of records or the custodian's authorized designee during regular office hours, 8:00 a.m. to 5 p.m., Monday thru Friday.
7. Fulfillment of a request for public records may be contingent upon receipt, in advance, of payment for expenses estimated to be incurred in fulfilling the request. Such estimated expenses shall be communicated to the requester as soon as practicable, but no later than 10 business days following receipt of the request. Upon fulfillment of the request, the City shall refund any excess fees collected, or charge the requester for the difference between the estimate and actual cost of fulfillment, whichever applies.
8. The fee for providing records shall not exceed the actual costs of providing the service. Actual costs may include the cost of materials as outlined in the City's current fee schedule established by the city council, and current wages of staff for time spent directly supervising examination of, or staff time spent searching, retrieving, determining confidential status, producing and/or providing copies of public records.

Exception:

The foregoing policies and procedures shall not be applicable to public records requests by officers, employees or agents of the City, or of any other governmental entity, or records requested by subpoena or records required by law to be kept confidential.