

Public Records Request Policy

1. General Policy Statement

O'Brien County is committed to an open and transparent government. O'Brien County adheres to the Iowa Open Records Act and Federal Freedom of Information Act (FOIA). It is the policy of O'Brien County to allow the public easy and expedited access to all records that are covered in the Open Records Act of Iowa and the FOIA.

This policy is intended to implement the provisions of Iowa Code Chapter 22 by providing assistance to citizens requesting examination of public records and to employees in fulfilling those requests. The goal is to assist citizens making requests and assure that responses to open records requests are made appropriately and timely.

2. Applicability

This policy is applicable to the following:

- All departments responsible to O'Brien County Board of Supervisors;
- All offices responsible to a county elected official whom adopt this policy.*

This policy shall any policy previous in effect prior to the adoption of this policy by the Board of Supervisors or an elected official listed below.

**The offices of the Attorney, Auditor, Recorder, Sheriff and Treasurer are elected offices. These elected officers are vested with unique discretion to carry out the legal duties and responsibilities of their office. As such, they may exercise a degree of independence to set the policies and procedures of their respective offices. These elected officers may adopt this policy but may also independently set policy for their office concerning the production of public records.*

3. Purpose

O'Brien County is committed to the concept of open government exemplified by Iowa Code Chapter 22. Records that are not defined as public records or have been deemed confidential pursuant to statute are not required to be released in response to a request. Iowa Code Chapter 22 lists or describes no fewer than 74 categories and types of potential documents and information exempt from the open records law unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release such information. Other portions of state and federal law may also govern access to public records. When the County responds to requests to inspect or copy records, costs are incurred by the County. This policy is adopted to establish an orderly and consistent procedure for responding to public records requests and to support the adoption of a fee schedule designed to reimburse the County for the actual costs incurred in responding to public records requests.

Documents, instruments and records [see Iowa Code §§331.601A(2), (3) & (8)] maintained by a county recorder, as well as fees set by O'Brien County Recorder for research and retrieval of documents, instruments and records filed with or maintained by O'Brien County Office of Recorder, are exempt from this policy.

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4. *Designated Custodian*

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 the public. The County’s “lawful custodian” is the department head or an employee delegated such responsibilities by the department head.

5. *Public Records Requests*

The following procedures shall be followed in responding to requests to inspect or receive copies of public records maintained by O’Brien County.

- A) Records requests may come in the form of a letter, email, or fax. In order to accurately and timely process a records request, the County needs to know the full extent of the request and how to contact the requester in case the Custodian has any questions or concerns. The requester shall put his or her request in writing using O’Brien County’s Public Records Request Form.
- B) Any request for public records maintained by the County, with the exception of police and fire records, must be referred to the lawful custodian for review of the request, collection of the records, and completion of request.
- C) The fee to be charged for providing records in response to a public records request will be in accordance with the most current fee schedule adopted by O’Brien County Board of Supervisors.
 - 1) At the requester’s preference the County may make the requested records available in hard copy or in electronic format. The requester may ask the County to supply copied records either by mail, electronic mail, fax or pickup at O’Brien County Courthouse.
 - 2) The County reserves the right to adjust the fee structure for extraordinary requests and provide a cost estimate to the requester prior to request completion.
- D) The person requesting public records can request the County to prepare an estimate of the charges that will be incurred to respond to the public records request. The County may also require an advance deposit of the estimated charges before copying any of the requested records or making the records available for inspection or copying. If the actual costs incurred by the County to respond to a records request are less than the amount of any required prepayment, the overpayment will be refunded promptly to the person or entity making the prepayment. If the actual costs incurred by the County to respond to the request are more than the amount of prepayment, the County shall charge the requester for all additional costs.
- E) Unless otherwise prohibited by law, the County may, at the County’s discretion, furnish copies of requested records without charge or at a reduced fee if the County determines that the waiver or reduction of fees is in the public interest.

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- F) The County shall provide a reasonable opportunity for the inspection, examination or copying of requested public records which are not exempt from disclosure. Unless otherwise approved in advance and in writing by the lawful custodian, any inspection, examination or copying of requested records shall be done at O'Brien County Courthouse during regular County business hours.
- G) The County reserves the right to not release copies of requested public records until the requester pays for the corresponding charges to complete said request.

6. Fee Schedule

The following fees and costs may be charged pursuant to Iowa Code Chapter 22 for access and/or copies of public records maintained by the O'Brien County.

Photocopy Charges-

Guidelines/Conditions		Fee
Black & White	Single Sided – 8.5x11, 8.5x14	\$0.50/page
	Single Sided – 11x17	\$0.55/page
	Double Sided – 8.5x11, 8.5x14	\$0.55/page
	Double Sided – 11x17	\$0.60/page
Color	Single Sided – 8.5x11, 8.5x14	\$0.55/page
	Single Sided – 11x17	\$0.60/page
	Double Sided – 8.5x11, 8.5x14	\$0.60/page
	Double Sided – 11x17	\$0.65/page

Electronic Charges –

If the requester chooses to have the records provided on a thumb drive or the request is so voluminous that a thumb drive would be most efficient, the cost of the thumb drive will be accessed to the requester. No department shall accept a thumb drive provided by an external source.

Postage Charges-

If the requester chooses to have records mailed to them, postage will be charged at actual cost.

Labor Charges-

O'Brien County will provide 30 minutes of O'Brien County staff time free of charge to respond to each requester. Requesters will be charged at the rate of pay of the individual completing the request for each additional 15 minutes of service.

Advanced Payment –

For large requests the department may provide an estimate to the requester and request advanced payment. Furthermore, no requests which incur payment shall be released until paid.

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7. *Estimated Response Time*

The anticipated response times below are approximations:

Number of Pages Requested	Anticipated Response Time
1-10	3 full business days
11-100	4 full business days
101-500	7 full business days
501-1000	10 full business days
1000+	20 full business days
Each additional 1000 pages	10 full business days per additional 1000 pages

8. *Disclaimer*

Although records provided to a requester may be deemed “open” or “public” records within the meaning of Iowa Code Chapter 22, O’Brien County recommends that requesters’ use of any information provided by O’Brien County 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.

9. *Questions*

Any questions concerning the County’s Public Records Request Policy or related procedures or fees should be directed to the records custodian.



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O'BRIEN COUNTY PUBLIC RECORDS REQUEST FORM

1. REQUESTER'S INFORMATION:

Name: _____

Mailing Address: _____

Phone Number: _____ Fax Number: _____

Email Address: _____

2. REQUEST INFORMATION:

Please be as detailed as possible; include names, dates, subjects, meeting dates, resolution and ordinance numbers, project names, etc. For Emails please include at least three "keywords".

3. Is this request for:

___ Copying of Public Records

___ Inspection of Public Records

4. If you are requesting copies of public records please fill out the following:

How many copies of the requesting documents do you need? _____

___ Color Copies

___ Single Sided

___ Black & White Copies

___ Double Sided

5. How would you like to receive the copies:

___ In Person

___ Email

___ Thumb Drive

___ Mail

___ Fax

Although the records I am requesting may be deemed to be "public records" within the meaning of Chapter 22, Code of Iowa, I understand that my use of this information must comply with all local, state, and federal laws including but not limited to laws relating to privacy, harassment, discrimination, debt collection, libel, slander and tort. Misuse of said information by me in violation of the law is exclusively my responsibility. O'Brien County denies any and all responsibility for how this information is used by me. If any third party makes a claim against O'Brien County for misuse of this information attributable to me, O'Brien County shall pursue all available legal remedies against me. I certify that I may be charged for costs related to the inspection/copying of public records, and the records will not be released to me without payment.

Signature of Requester

Date of Request

FOR OFFICE USE ONLY**Details of Request**

1. Date and Time Request Received:
2. Deposit Received: _____ (date) in the amount of \$ _____
by _____ (employee.) (Use fee worksheet to calculate deposit.)
3. Date and Time Request Processed:

Notification of Records Ready

Requester notified on _____ (date) by: _____ Phone _____ Email _____ In Person _____
 _____ Records are ready for pick up as of _____ (date)
 _____ Examination of original records scheduled for _____ (date/time)
 _____ Records mailed/faxed/mailed to requester on _____ (date)

Fee Worksheet

Description	Quantity	Amount	Total
COPY CHARGES			
Black & White – Single Sided (8.5x11, 8.5x14)		\$0.50/page	
Black & White – Single Sided (11x17)		\$0.55/page	
Black & White – Double Sided (8.5x11, 8.5x14)		\$0.55/page	
Black & White – Double Sided (11x17)		\$0.60/page	
Color – Single Sided (8.5x11, 8.5x14)		\$0.55/page	
Color – Single Sided (11x17)		\$0.60/page	
Color – Two Sided (8.5x11, 8.5x14)		\$0.60/page	
Color – Double Sided (11x17)		\$0.65/page	
POSTAGE CHARGES			
Actual Cost	N/A	N/A	
LABOR CHARGES			
First 30 Minutes	N/A	N/A	No Cost
Each Additional 15 Minute Interval			
THUMB DRIVE CHARGE		\$5.00	
Total of All Fees			
Less Deposit Received (if any)			
Balance _____ owed at pickup or _____ to be refunded			

Deposit reconciled/payment made on _____

Notes