

Draft – Public Hearing Oct. 1, 2018

City of Martensdale, Iowa FOIA Request / Open Records Policy

Revised September 24, 2018

It is the policy of the City of Martensdale, Iowa to respond in an orderly and expeditious manner, and in accordance with Iowa Code Chapter 22, to requests to inspect or receive copies of public records maintained by the City of Martensdale.

This policy applies to all City departments.

The City Clerk is the lawful custodian of all city records once the records are received by the City Clerk and in its possession. Requests for records should be made to the City Clerk as lawful custodian. Either the City Clerk and/or her designee shall facilitate the responses to any request for records.

The City of Martensdale recognizes the right of the public to access public records maintained by the City in accordance with state law. The City also recognizes that certain records maintained by the City are not public records or may be exempt from public disclosure and that a request to access public records may require a balance of the right of the public to access the records, individual privacy rights, governmental interests, confidentiality issues, and privilege issues.

When the City responds to requests to inspect or copy records, costs are incurred by the City. This policy is adopted to balance these competing interests, 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 City for the actual costs incurred in responding to public records requests.

The following procedures shall be followed in responding to requests to inspect or receive copies of public records maintained by the City of Martensdale.

1. Requests to inspect or copy public records maintained by the City should, if possible, be made in writing sufficient to identify the specific document or documents requested or the category or categories of documents requested.
2. A written request may, but is not required to, be completed by filling out the City's Public Record Request Form (Attachment "A").
3. Under the following circumstances, documents may be provided without a written request:
 - a. Documents made generally available to the public at public meetings;
 - b. When, in the judgment of the City, it is more efficient and better serves the public interest to make available or provide copies of requested records without requiring the request to be in writing; and
 - c. This section should not imply that the city will not accept other forms of requests to inspect or copy public records.
4. The person or entity making a public records request will not be required to disclose the reason for the request.

5. Any request for access to public records maintained by the City of Martensdale must be referred to the City Clerk for review of the request, collection of the records to be reviewed or copied, and completion of request. Any request for public records which could be exempt from disclosure under the conditional exemptions in Iowa Code Section 22.7 shall be referred to the City Attorney for review and response.
6. When a request for public records is received, a review will be conducted to determine what public records, if any, exist which are responsive to the request and to determine if any responsive records may be exempt from disclosure.
7. **The City shall not be required to compile information or create reports related to requested public records.**
8. The City may impose reasonable rules or restrictions to protect requested records and to prevent interference with the regular discharge of duties by City staff. According to Iowa Code Section 22.8(d) the City has a maximum of twenty (20) days and ordinarily will not exceed ten (10) business days to complete a public records request.
9. The City reserves the right to seek clarification of any public records request before responding to the request. The City reserves the right to deny any public records request if the request is sufficiently vague or unclear that the City cannot reasonably determine what records have been requested.
10. The fee to be charged for providing records in response to a public records request shall be the actual cost to the City and in accordance with Attachment B. Additionally, the City shall pay the sum of \$10.00 per hour for each non-paid or volunteer staff member who may be designated by the City Clerk / Lawful Custodian for assistance in responding to any requests for records.
11. At the requestor's preference the City may make the requested records available in hard copy or in electronic format. The requestor may ask the City to supply copied records either by mail, electronic mail, fax or if pickup at Martensdale City Hall.
12. The City reserves the right to adjust the fee structure for extraordinary requests and provide a cost estimate to the requestor prior to request completion.
13. The person requesting the public records can request the City to prepare an estimate of the charges that will be incurred to respond to the public records request.
14. The City may also require prepayment of the estimated charges before copying any of the requested records or making the records available for inspection or copying.
15. If the actual costs incurred by the City 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.
16. If the actual costs incurred by the City to respond to the request are more than the amount of prepayment, the City shall charge the requestor for all additional costs.
17. The City 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 City Clerk, any inspection, examination or copying of requested records shall be done at Martensdale City Hall during regular City business hours.
18. The City reserves the right to not release copies of requested public records until the requestor pays for the corresponding charges to complete said request.

19. The custodian may consult with city staff, Mayor, City Council and City Attorney concerning requests for records that may include privileged or confidential records, such as medical records, personnel files, documents concerning litigation, etc. Any request for these types of records shall be referred to the City Attorney for review and response.
20. No original public records or documents can be removed from the premises at which they are stored. Parties requesting the inspection of public records may do so at a date and time during regular City business hours that is established by the custodian and in an on-premise room as arranged by the custodian.

**City of Martensdale, Iowa Records Request Form REQUESTOR'S INFORMATION
(please print) – ATTACHMENT "A"**

- 1. Name: _____
- 2. Company Name (if applicable): _____
- 3. Mailing Address: _____
- 4. Daytime Phone Number: _____
- 5. Alternate Phone Number: _____
- 6. Fax Number: _____
- 7. Email Address: _____

REQUEST (Please be as detailed as possible; include names, dates, subjects, meeting dates, resolution and ordinance numbers, project names, key words, etc.)

Iowa Code Chapter 22 gives every citizen the right to examine public records and to copy those records unless their access is expressly prohibited. The City of Martensdale staff should not be expected to abandon or neglect their regular public duties to comply with record requests and thus need sufficient time to make and deliver any requested information. 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. All requests will be processed in accordance with applicable procedures and rules.

Note: If a deposit is required, no work will begin on the request until a minimum of 50% of the estimated deposit is received.

Signature and Printed Name of Requestor

Date of Request

Details of Request (for office use only)

1. Request Received via: Email Fax Mail In Person / Verbal 2.

Requesting: Paper Copies In-Person Examination CD/DVD Other _____

3. Request Submitted on: _____ (include date and time)

4. Department/Employee Receiving Request: _____

5. Date on Which City Attorney's Opinion Sought (if applicable): _____

Fees Schedule – ATTACHMENT “B”

Copy Charges:

_____ B/W pages \$ _____ per page = \$ _____

_____ Color pages (to be determined) per page = \$ _____

_____ Oversize pages (to be determined case by case) = \$ _____

Fax Charges – Employee Time _____ = \$ _____

Documents Scanned to Email – Employee Time _____ \$ _____

Electronic Files Burned to CD/Jump Drive: Cost of CD \$ _____,

Cost of Jump Drive \$ _____ Employee Time \$ _____

Total = \$ _____

Postage Charges -- Certified Mail, Regular Mail: actual cost = \$ _____

Other (please specify): _____ actual cost = \$ _____

Other (please specify): _____ actual cost = \$ _____

Staff Services: specify redacting time, search time, supervision of records examination, copying time, etc. _____

Name of Employee(s) Performing These Services: _____
(Department Staff, IT Staff, Finance Department Staff, etc.)

_____ hours (10 Min. Increments) x \$ _____ employee hourly rate = \$ _____

_____ hours (10 Min. Increments) x \$ _____ employee hourly rate = \$ _____

Name of Employee(s) Performing These Services: _____
(Department Staff, IT Staff, Finance Department Staff, etc.)

_____ hours (10 Min. Increments) x \$ _____ employee hourly rate = \$ _____

_____ hours (10 Min. Increments) x \$ _____ employee hourly rate = \$ _____

Attorney Services: specify redacting time, search time, supervision of records examination, copying time, etc. _____

Name of Attorney (s) Performing These Services: _____

_____ hours (\$150/Hr.- Prorated) x \$ _____

TOTAL OF ALL FEES \$ _____

Less Deposit Received (if any) (30% of Estimated Cost) -\$ _____

Balance owed at pickup / to be refunded \$ _____

Deposit Received on: _____ (date and time)

In the amount of \$ _____ by _____ (employee)

Final Payment Received on _____ by _____