

2012 ISAA AD-HOC COMMITTEE ON OPEN RECORDS
Report to ISAA Membership

- (NE) Bruce Hovden, Floyd County Assessor (Chair)
- (NE) Jean Keller, Bremer County Assessor (Sec.)
- (NC) Amy Vermillion, Deputy Poweshiek County Assessor
- (SC) Joni Hopkins, Madison County Assessor
- (SW) Linda Holmgren, Deputy Montgomery County Assessor
- (EC) Marty Burkle, Iowa City Deputy Assessor
- (SE) Ron Richmond, Keokuk County Assessor
- (NW) Duane Zenk, Crawford County Assessor
- Jason Siebrecht, Linn County/GIS
- Michelle Fields, Green County/IT Dept.
- Kristi Harshbarger, ISAC Legal Counsel
- Angela McBride, State Ombudsman's Office

ISAA President Beth Weeks formed the Ad-Hoc committee on open records after a meeting of the ISAA officers with Angie McBride of the State Ombudsman's office. The State Ombudsman's office has been receiving complaints in regards to the charges imposed by Assessors offices, per services provided.

The formation and purpose of this committee is to set policy per Iowa Code Section 22.2 in regards to charges for open records. President Weeks would like to have this policy developed prior to our Fall School in September.

The committee met three times this year and feel we have accomplished the goal set forth to this committee by our President. A draft model on open records policy for the Iowa State Association of Assessors was developed by the committee. (Attached) The committee also developed a request to examine and/or copy public records. (Attached)

Angela McBride of the State Ombudsman's office is scheduled to talk to the Association on Monday afternoon. The committee encourages all Assessor personnel to have their draft policy and request for public records with them at this meeting. This would be a good time for questions and discussion concerning the policy on open records.

I would like to thank all the committee members for their work on this committee. Open records is a continuing education and communication work in progress.

Respectfully submitted,

Bruce C. Hovden

Bruce C. Hovden, Chairperson
Ad-Hoc Committee on Open Records Policy

Iowa State Association of Assessors Open Records Model Policy

Intent & Goal

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.

Parameters

The Assessor is committed to the concept of open government exemplified by Iowa Code Chapter 22. Records deemed confidential pursuant to Iowa Code Section 22.7, or other applicable statutes, are not required to be released in response to a request. Iowa Code Chapter 22 lists or describes 65 categories and types of potential documents and information exempt from the open records law. Other portions of state and federal law may also govern access to public records.

Making a Request for Public Records

Requests for access to public records may be made in any format and the custodian shall not require the physical presence of a person requesting or receiving a copy of a public record. Citizens are encouraged, but not required to make requests in writing. The form accompanying this policy is for convenience only. Unless otherwise required by law, anyone may make a request for public records without providing identification, reason, or motive for the request. For assistance in making a request for examination or copying of public records, the public is invited to contact the Assessor at:

Public Information Request

[insert Assessor's address, phone, and e-mail address]

Responding to Requests

Requests for access to public records may be made in any format. Employees may not ask why the record is being requested or require the identity of the requestor. Employees should try to collect as much information as possible about what records are being requested and in what format the requestor wishes to receive the data. A requesting party may be encouraged, but is not required, to use the request form accompanying this policy. An employee receiving a request in person or by telephone should immediately reduce the request to writing, noting:

- the specifics of the information requested;
- the date and time of the request;
- whether the request is for copying, inspection, or both; and
- how the requestor expects the request fulfilled.

All requests should be forwarded to the Assessor or his or her designee.

Upon receipt of a request for access to public records employees should promptly take all reasonable steps to preserve the public record while the request is pending. Requests will be fulfilled as soon as possible. Iowa Code allows for delay of a twenty (20) calendar days if it is necessary to consult with legal counsel regarding whether a record is confidential; however, the delay should normally take no longer than within ten (10) business days. If the request involves substantial research or the delay is expected to go beyond 10 business days, this should be communicated to the requestor as soon as possible. All requests will receive a

written response. If the public record requested does not exist, this fact should be communicated to the requestor. The record sought may be provided in the form in which it is maintained by the Assessor, provided the information contained in that form is readily accessible to the requestor once in their custody. If possible, the information contained in a record that is deemed confidential by law should be redacted so that the remaining record may be disclosed. The statutory authority for each redaction should be provided to the requestor. Requests and responses for examination of public records or copies of records shall be documented.

Availability

Public records will be available for public examination and/or copying during customary office hours, which are [insert business hours], Monday through Friday, excluding designated holidays. Immediate access to records may be affected by good faith efforts to identify and locate the correct records, or determine whether the request seeks disclosure of confidential records. The requesting party should be promptly notified if any delays are experienced or expected.

Fees

Reasonable fees may be charged to the requestor for the actual costs of producing a public record for inspection and/or copying. Actual costs only include costs that are directly attributed to the work to respond to a records request, but do not include charges for employment benefits, depreciation, maintenance, electricity, or insurance associated with the administration of the office.

The Assessor will charge fees according to the schedule appearing below, but may decide to waive the fees for good cause. Requests for Assessor records that cannot be processed in-house may be referred to a third-party. This third-party will provide fee structure for such data. The employee doing the work must keep track of time and materials and the following fees may be charged:

1. \$0.25 per single sided page for paper copies
2. \$1.00 per single sided 8.5" x 11" colored aerial or CSR map
3. \$3.00 per single sided 11" x 17" colored aerial or CSR map
4. Actual mailing cost
5. Actual cost of media
6. Actual cost of the employee's time to compile, retrieve, and copy or supervise a public record

If the estimated total fees exceed \$50.00 the Assessor or his or her designee may ask the requestor to prepay expected fees. Estimated fees and payment terms must be clearly communicated to the requestor as soon as possible. Requestors with a history of nonpayment will be required to pay upfront for any record request.

Addendum
Example Assessor Records

- Digital copies: excel files, queries, pdfs, jpgs
- Printed materials: plat maps, property record cards, databases
- Color & black and white aerial maps
- Shapefiles, geodatabases & attribute data
- Aerials- ortho & oblique imagery

**REQUEST TO EXAMINE AND/OR COPY
PUBLIC RECORDS**

Visit us online at: _____ (county/city website)

Use of all, part or none of this form is optional and has no bearing on the response you will receive. Requests of an anonymous nature will also be honored. This form is merely offered for convenience only. Please note that this form is not confidential and may itself be subject to public disclosure pursuant to Iowa Code Chapter 22.

Requestor's Name: _____
Address: _____
City/State/Zip: _____
Phone Number: _____
E-mail Address: _____

Description of Record or Information Requested (be as specific as possible):

Please tell us if you would like the record copied and sent to you by mail, whether you will pick it up or whether you would simply like to examine it.

Signature of Requestor

Date of Request

You may expect a response to a request for non-confidential public information within ten (10) business days.

Office Use Only:

Date Received: _____

Response Date: _____

Copies Made? Yes / No How Many?

Records Available? Yes / No

Fees Charged: \$

If request is denied, provide reason:

