Regulatory Analysis

Notice of Intended Action to be published: 671—Chapter 1
"Organization; State Records Manual"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 8A.104(5) and 8A.608(1)"d"

State or federal law(s) implemented by the rulemaking: Iowa Code sections 8A.601 through 8A.616

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 18, 2025 11 a.m.	Via Google Meet Phone Number: 1.929.249.4811 PIN: 982 464 148#

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Department of Administrative Services no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Tami Wiencek
Hoover State Office Building, Third Floor
1305 East Walnut Street
Des Moines, Iowa 50319
Email: tami.wiencek@iowa.gov

Purpose and Summary

The intended purpose of these proposed rules is to update language for the State Records Commission under the Governor's Executive Order 10 and to reflect the fact the Commission is now under the purview of the Department of Administrative Services through the State Government Alignment Act, 2023 Iowa Acts, Senate File 514, which has since been codified in Iowa Code chapter 8A. The topics for this chapter include organization and the State Records Manual. The current Chapters 1 and 2 under agency number [671] are combined herein. These proposed rules remain under agency number [671] since the State Records Commission has its own rulemaking authority.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

State agencies must comply with Iowa Code section 8A.601 and bear some administrative costs of conducting State business as that pertains to records.

- **Classes of persons that will benefit from the proposed rulemaking:**

The taxpayers of Iowa ultimately benefit from this rulemaking in that efficient records organization, storage, and retrieval is an important part of the vast amount of information State government creates and retains on behalf of citizens.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

The 16 cabinet-level agencies and other offices and entities within State government are affected by these rules, thus including a broad sector of government serving Iowans. Costs include tasks encompassing records management. That management is built into the cost of doing business for these agencies, offices, and entities.

- **Qualitative description of impact:**

Each State agency and the Legislature can use these rules to understand the entity created for records management and its manual created to outline policy and procedures.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

Each agency is responsible for determining the final cost of records management as that pertains to following Commission rules. This cost can vary.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

The benefits of the proposed rulemaking include a brief look at organization for the Commission and a more detailed outline of responsibilities for an agency head in the realm of records management. Overall, the rules help guide State agencies in maintaining records for the public and for State use as well.

The cost of inaction would be lack of this guidance. The State Records Manual alone is meant to provide policy and procedure.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

Through research, it has been determined the Iowa records management program is one of the least restrictive of its kind in terms of bureaucratic requirements to agencies, public reporting, and audits of agency records status.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

No other methods were considered.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Iowa law, the State Archives and Records Act, includes the creation of a State Records Commission.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

The rules are applicable to State government and do not have a direct connection to small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 671—Chapter 1 and adopt the following **new** chapter in lieu thereof:

CHAPTER 1
ORGANIZATION; STATE RECORDS MANUAL

671—1.1(17A,8A) Purpose.

1.1(1) *State archives and records Act.* This chapter provides an overview of the organization, responsibilities, definitions, and records manual details under the purview of the state records commission within the department of administrative services.

1.1(2) *Location.* Communication with the state records commission may be established through the State Archives and Records Bureau, Department of Administrative Services, State Historical Building, 600 East Locust Street, Des Moines, Iowa 50319.

1.1(3) *Meetings and membership.* Membership of the state records commission is outlined in Iowa Code section 8A.603. The state records commission chairperson shall be elected biennially from the membership. Iowa Code section 8A.606 references meetings for the commission. In accordance with state open meeting laws, agendas for meetings will be posted at the state historical building and on the state public meeting calendar. Two-thirds of the commission membership shall be a quorum for the purpose of conducting business. Actions of the commission shall be by simple majority of members present.

671—1.2(8A) Definitions. In addition to the definitions found in Iowa Code chapter 8A, and in particular, Iowa Code section 8A.602, the following definitions apply:

"Non-record materials" means documents and informational materials that do not meet the statutory definition of a record in Iowa Code section 8A.602(9) or that are excluded from the definition. Non-record materials include library and museum material made or acquired and preserved solely for reference or exhibition purposes, stocks of publications and unprocessed forms, and extra copies of documents made, acquired, or received only for convenience or reference purposes.

"Office of record" means the agency in which a record is created, produced, executed, or received in connection with official business of that agency. The office of record is responsible for maintenance and disposition of records in accordance with approved records series retention and disposition schedules.

"Reference copy" is a copy of a record kept for easy access to the information the record contains. A reference copy of a record may be distributed to make recipients aware of the content of the record but not to direct the recipient to take action on a matter.

"Retention" or *"retention period"* is the minimum length of scheduled time a record must be kept (either in the office or in offsite storage) because it is needed for ongoing business, to document an action, or for statutory reasons.

671—1.3(17A,305) Responsibilities.

1.3(1) *State records commission.* The responsibilities of the commission are the same as defined in Iowa Code section 8A.608.

1.3(2) *Department of administrative services.* The responsibilities of the department are the same as defined in Iowa Code section 8A.609.

1.3(3) *Agency head.* In addition to the responsibilities set forth in Iowa Code section 8A.610, an agency head will also:

a. Appoint one or more records officers to coordinate the records program or programs within the agency and to serve as liaisons to the state archives and records bureau. An agency head shall document an appointment in writing to the state archives and records bureau.

b. Maintain or cause to be maintained complete and accurate records documenting the agency's implementation of the state of Iowa records program.

c. Provide secure, environmentally appropriate storage areas for all records in the physical custody of the agency and provide public access to those records in accordance with the agency's fair information practices rules.

d. Maintain legal custody of all agency records stored in agency offsite storage and provide public access to those records in accordance with the agency's fair information practices rules.

e. Transfer legal custody of records that are transferred to the state archives of Iowa in accordance with Iowa Code section 8A.610.

671—1.4(8A) State records manual.

1.4(1) *Authority of the manual.* The state records manual is an interagency manual as defined by Iowa Code section 17A.2(11)*"c."*

1.4(2) *Content of the manual.* The commission shall, through the state archives and records bureau, create and maintain a state records manual that contains:

a. Records series retention and disposition schedules adopted by the commission.

b. Detailed procedures for agency interaction with the commission and the state archives and records bureau for such activities as the development and revision of records series and disposition schedules, transfer and storage of records, access and retrieval of records from storage, and destruction of records.

c. Guidelines adopted by the commission to assist an agency head in implementing an efficient government records program within the agency.

671—1.5(8A) Applicability of the manual. The provisions of the state records manual are applicable to all executive or legislative branch departments, offices, commissions, boards, or other units of state government unless otherwise exempted by law. However, the state records manual is not applicable to the department of transportation or agencies or institutions under the control of the state board of regents.

671—1.6(8A) Availability of the manual. The commission shall make the manual publicly available on its website at history.iowa.gov/research/state-government-record-management.

These rules are intended to implement Iowa Code sections 8A.601 through 8A.615.