Regulatory Analysis

Notice of Intended Action to be published: 671—Chapter 2
"Records Series Retention and Disposition Schedules Process"

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:

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1305 East Walnut Street
Des Moines, Iowa 50319
Email: tami.wiencek@iowa.gov

Purpose and Summary

The purpose of these proposed rules is to provide a framework for the retention and disposition schedules of State records, to update language under the Governor's Executive Order 10, and to reflect that the Records 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.

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:**

Iowa taxpayers benefit from the rulemaking because framework for records retention is important to determine the value of records over time, maintain an organized system, and effectively manage the vast amount of records created as a result of doing business as a State.

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 process is a framework for agencies to follow and the costs to achieve those benefits are determined by the agencies themselves in compliance with the State Archives and Records Act.

- **Qualitative description of impact:**

The cost of not providing a framework for records retention would be far more expensive since retention evaluation and resulting schedules are an essential part of sound records management.

3. **Costs to the State:**

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

As stated, agencies have personnel and administrative costs for records retention. The Commission keeps the tasks as cost neutral as possible.

- **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 retention management far outweigh the costs since part of that management determines disposition of records. It would take massive amounts of State resources to keep in perpetuity all records State government has ever created. That does not mean records are merely disposed of. The other benefit of a retention framework is that records are evaluated on the grounds of administrative, legal, fiscal, and historical value. There are practical and ethical focuses for evaluation.

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:**

As stated, Iowa's records program is one of the least intrusive and the framework for records retention has proven to be effective.

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 agencies and the Legislature and do not have a direct connection to small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 671—Chapter 2 and adopt the following **new** chapter in lieu thereof:

CHAPTER 2
RECORDS SERIES RETENTION AND DISPOSITION SCHEDULES PROCESS

671—2.1(8A) Purpose. The records series retention and disposition process is designed to evaluate records to establish appropriate periods of time for holding records prior to final disposition by destruction or permanent preservation. These records are held in office or in storage areas.

671—2.2(8A) Form to use. A Records Series Inventory and Retention and Disposition Schedule Form is used for the inventorying of agency records and for the development or revision of records series retention and disposition schedules. The form is available from the state archives and records bureau of the department of administrative services.

671—2.3(8A) Agency responsibility.

2.3(1) An agency head shall maintain or cause to be maintained an inventory of records that are made, produced, executed, or received by the agency pursuant to statute in connection with the transaction of official business of state government, whether those records are created or maintained in an electronic or paper system.

2.3(2) An agency head shall initiate or cause to be initiated a new Records Series Inventory and Retention and Disposition Schedule Form for previously unscheduled records series and, when needed, for revising an existing records series retention and disposition schedule. This applies to electronic and paper records.

2.3(3) An agency head shall provide or cause to be provided complete and thorough responses to the questions on the Records Series Inventory and Retention and Disposition Schedule Form and will work with the state archives and records bureau so that the bureau can finalize the records series retention and disposition schedule recommendations for presentation to the state records commission.

671—2.4(8A) State archives and records bureau responsibility. An agency shall submit any proposed Records Series Inventory and Retention and Disposition Schedule Forms to the state archives and records bureau for review. The bureau will assist the agency in finalizing the records series retention and disposition schedule recommendations for presentation to the state records commission.

671—2.5(8A) State records commission responsibility.

2.5(1) The commission will evaluate records series retention and disposition schedule (schedule) recommendations presented by the state archives and records bureau. The commission's evaluation of the bureau's recommendations shall consider the administrative, legal, fiscal, and historical values of the records. The commission will ensure that the schedule recommendation is consistent with other adopted schedules.

2.5(2) The commission may:

a. Adopt the proposed schedule as presented.

b. Amend the proposed schedule as the commission deems appropriate.

c. Return the proposed schedule to the state archives and records bureau for additional research before the commission takes final action.

d. Return the proposed schedule to the agency for additional research with the intent that the agency will resubmit the schedule to the commission for final action.

e. Reject the proposed schedule.

671—2.6(8A) Effective date. Unless otherwise set forth by the commission, a schedule shall become effective 20 calendar days after commission approval.

671—2.7(8A) Procedures. Detailed procedures, including a sample copy of the Records Series Inventory and Retention and Disposition Schedule Form, are available in the state records manual.

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