Regulatory Analysis

Notice of Intended Action to be published: 671—Chapters 3, 7, and 8
"Permanent Records—Transfer Process, Care, and Access"

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 19, 2025 11 a.m.	Via Google Meet Phone Number: 1.628.400.4549 PIN: 532 175 431#

Public Comment

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

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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 provide framework for handling records deemed to be kept permanently. The framework includes how to transfer such records to the State archives or to store such records that will remain in agency custody. The proposed rules also reflect the fact that the Records Commission is now under the purview of DAS 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 and the Legislature bear administrative costs of transferring or maintaining records as a cost of doing business.

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

The records program benefits the public as it provides a framework for retaining permanent records, caring for them, and making them accessible.

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 quantitative impact is costs paid by State agencies and the Legislature in many ways, including executing methods of storage, determining places of storage, and deciding best practices

for maintaining the best condition of the records. That said, when records are transferred to the State Records Program, the historical division of DAS bears the cost of maintaining the records as part of everyday business.

- **Qualitative description of impact:**

The qualitative impact of costs amounts to public access to records that are determined to have permanent value.

3. **Costs to the State:**

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

The costs are absorbed by each State agency and the Legislature as part of doing business. When records are transferred to the State records program, the historical division of DAS bears the cost of maintaining records as part of everyday business.

- **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 outweigh costs of retaining and maintaining permanent State records. The Iowa Code stipulates that State records, with exceptions, are public. Maintaining records and making them accessible are part of the government's pledge of transparency to the public.

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

This is not applicable.

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

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

None were considered.

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

The way historical records are maintained in Iowa is comparable to the way it is done in all other states and by the National Archives.

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?

This is not applicable because the law addresses requests for public records, which includes being able to charge for open records. Open records laws are also meant for government to be transparent and can thus favor small businesses as records requesters. These rules outline a framework for keeping permanent records.

Text of Proposed Rulemaking

ITEM 1. Rescind 671—Chapter 3 and adopt the following **new** chapter in lieu thereof:

CHAPTER 3
PERMANENT RECORDS—TRANSFER PROCESS, CARE, AND ACCESS

671—3.1(8A) Purpose. The department of administrative services administers the state archives of Iowa in order to preserve, protect, and make accessible those records of state government that have enduring value.

671—3.2(8A) Identification of permanent records. The state records commission shall adopt records series retention and disposition schedules in accordance with 671—Chapter 2 to identify state government records that have enduring value.

671—3.3(8A) Form to use. A Transfer of Custody of State Government Records to the State Archives of Iowa form obtained from the state archives and records bureau shall be used to transfer legal and physical custody of a record from an agency to the state archives of Iowa.

671—3.4(8A) Agency responsibility.

3.4(1) A record that is scheduled for permanent preservation in the state archives of Iowa shall be transferred to the state archives of Iowa in accordance with established records series retention and disposition schedules. An agency records officer shall review, sign, and submit a properly completed Transfer of Custody of State Government Records to the State Archives of Iowa form to the state archives and records bureau for approval prior to the physical transfer of records from the agency.

3.4(2) A record scheduled for permanent preservation in an agency shall be retained in the agency in perpetuity. The agency shall maintain such a record in a manner that will ensure the continued availability of an accurate, authentic, and reliable record in perpetuity. The record shall be available for public inspection and copying in accordance with agency fair information practice rules.

671—3.5(8A) State archives and records bureau responsibility.

3.5(1) The state archives and records bureau shall review and consider for approval a properly completed Transfer of Custody of State Government Records to the State Archives of Iowa form in a timely manner and will assist an agency in correcting an incomplete or inaccurate form.

3.5(2) After approving a form, the state archives and records bureau will arrange for physical transfer of records to the state archives of Iowa with the agency.

3.5(3) The state archives and records bureau shall establish and maintain inventory control of records transferred to the state archives of Iowa.

3.5(4) The department of administrative services shall provide a secure, environmentally appropriate storage area for all records transferred to its custody.

671—3.6(8A) Care of and access to permanent records.

3.6(1) A record with enduring value shall be transferred to the state archives of Iowa in accordance with a state records commission adopted records series retention and disposition schedule. The state archives of Iowa shall provide a secure environment for the storage and use of these records so that they may be preserved and made available to future generations of researchers in accordance with Iowa Code section 8A.609.

3.6(2) Records transferred to the state archives of Iowa shall be cared for and administered in accordance with 223—Chapter 13.

3.6(3) Records transferred to the state archives of Iowa shall be made accessible to researchers in accordance with 223—Chapter 22.

3.6(4) The state archives and records bureau, with prior approval from the state archivist, may loan an agency record from the state archives of Iowa to an authorized agency user.

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

ITEM 2. Rescind and reserve **671—Chapter 7**.

ITEM 3. Rescind and reserve **671—Chapter 8**.