

CHAPTER 10
INJUNCTION REQUEST PROCEDURE

497—10.1(23) Complaint. As provided in Iowa Code section 23.5(3), when a request for an injunction to enjoin the inspection of a public record has been filed in district court under Iowa Code section 22.8, the respondent or the person requesting access to the record may remove the proceeding from district court to the board by filing a complaint within 30 days of the commencement of the judicial proceeding. The complaint shall detail the parties involved, the records sought, and the district court in which the matter was originally filed. A copy of the original court filing seeking an injunction shall be filed with the complaint. A complaint filed under this chapter is not a “complaint” triggering the procedures under 497—Chapter 2.

[ARC 2913C, IAB 1/18/17, effective 2/22/17]

497—10.2(23) Notice to court. Upon receipt of a complaint under this chapter, the board’s staff shall file notice with the appropriate district court that the complaint has been filed with the board.

[ARC 2913C, IAB 1/18/17, effective 2/22/17]

497—10.3(23) Staff review. If the court issues an order removing jurisdiction of the matter to the board, the board’s staff shall conduct an initial review of the complaint and may request that the parties provide further information or documents.

[ARC 2913C, IAB 1/18/17, effective 2/22/17]

497—10.4(23) Hearing. A hearing on the request for the injunction shall be heard before the board. The board may require briefs or the filing of other documents. The board shall work with the parties in establishing guidelines for the time of the hearing, the length of arguments, and any other procedural matters. A hearing under this rule is not a contested case under 497—Chapter 4.

[ARC 2913C, IAB 1/18/17, effective 2/22/17]

497—10.5(23) Board determinations. The board shall make the following determinations after hearing:

1. Whether the requested records are public records or confidential public records.
2. If the records are public records, whether an injunction should be issued enjoining the inspection of the records under the criteria set out in Iowa Code sections 22.8(1) and 22.8(3).

[ARC 2913C, IAB 1/18/17, effective 2/22/17]

497—10.6(23) Judicial review. The board’s determinations under rule 497—10.5(23) are deemed final agency action for purposes of seeking judicial review under Iowa Code chapter 17A.

These rules are intended to implement Iowa Code section 23.5(3).

[ARC 2913C, IAB 1/18/17, effective 2/22/17]

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