

**223—3.3(17A,22) Request for access to records.**

**3.3(1) Location of record.** A request for access to a record from the state archives shall be directed to the State Archivist, Historical Division, Department of Cultural Affairs, 600 East Locust, Des Moines, Iowa 50319. If the location of the record is not known by the requester, the request shall be directed to the State Archivist, Historical Division, Department of Cultural Affairs, 600 East Locust, Des Moines, Iowa 50319. If a request for access to a record is misdirected, state archives personnel shall promptly forward the request to the appropriate person within the state archives.

**3.3(2) Office hours.** Open records from the state archives of Iowa shall be available for inspection during posted weekday hours of the society's public reading room in Des Moines. Records may be available for inspection in the society's public reading room in Des Moines during posted hours on a Saturday if a request is placed by 12 noon on the preceding Friday.

**3.3(3) Request for access.** Requests for access to open records from the state archives may be made in writing, in person, electronically, or by telephone. Requests shall identify the particular records sought by name or description in order to facilitate location of the record. Mail, E-mail or telephone requests shall include the name, address, and telephone number of the person requesting the information. A person shall not be required to give a reason for requesting an open record from the state archives.

**3.3(4) Response to requests.** Access to an open record from the state archives shall be provided promptly upon request unless the size or nature of the request makes prompt access infeasible. If the size or nature of the request for access to an open record from the state archives requires time for compliance, the custodian shall comply with the request as soon as feasible. Access to an open record from the state archives may be delayed for one of the purposes authorized by Iowa Code section 22.8(4) or 22.10(4). The custodian shall promptly give notice to the requester of the reason for any delay in access to an open record and an estimate of the length of that delay and, upon request, shall promptly provide that notice to the requester in writing.

The custodian of a record may deny access to the record by members of the public only on the grounds that such a denial is warranted under Iowa Code sections 22.8(4) and 22.10(4), or that it is a confidential record, or that its disclosure is prohibited by a court order. Access by members of the public to a confidential record is limited by law and, therefore, may generally be provided only in accordance with the provisions of 223—3.4(17A,22) and other applicable provisions of the law.

**3.3(5) Security of record.** No person may, without permission from the custodian, search or remove any record from the state archives. Examination of agency records shall be supervised by the custodian or a designee of the custodian. The requester shall protect the records from damage and disorganization. Copying of agency records shall be performed by the custodian or a designee of the custodian.

**3.3(6) Copying.** A reasonable number of copies of an open record may be made by the state archives for the requester unless reproduction is inappropriate due to the physical condition of the record or other physical considerations. The custodian shall assess the physical condition of the record and any relevant legal considerations to determine whether or not it can be photocopied. If the physical condition of the record makes reproduction by photocopy inappropriate, alternative methods of reproduction shall be proposed. If photocopy equipment is not available in the state archives where an open record is kept, the custodian shall arrange to have copies promptly made elsewhere.

**3.3(7) Fees.**

*a. When charged.* The state archives may charge fees in connection with the examination or copying of records from the state archives only if the fees are authorized by law. To the extent permitted by applicable provisions of the law, the payment of fees may be waived when the imposition of fees is inequitable or when a waiver is in the public interest.

*b. Copying and postage costs.* Price schedules for published materials and for photocopies of records supplied by the state archives shall be prominently posted in the society's public reading rooms. Copies of records may be made by the state archives for members of the public on society photocopy machines or from electronic storage systems at cost as determined and posted in the society's public reading rooms by the custodian. When the mailing of copies of records from the state archives is requested, the costs of such mailing may also be charged to the requester.

*c. Supervisory fee.* An hourly fee may be charged for state archives expenses in retrieving and preparing records for examination, supervising the examination, and preparing copies of requested records when the time required is in excess of one-half hour. The custodian shall prominently post in the society's public reading rooms the hourly fees to be charged for supervision of records during examination and for copying. The hourly fee for retrieval and preparation of records for examination shall not be in excess of the hourly wage of the employee who performs this function.

*d. Advance deposits.*

(1) When the estimated total fee chargeable under this subrule exceeds \$25, the custodian may require a requester to make an advance payment to cover all or a part of the estimated fee.

(2) When a requester has previously failed to pay a fee chargeable under this subrule, the custodian may require advance payment of the full amount of any estimated fee before the custodian processes a new request for that requester.