

—**.3(17A,22) Requests for access to records.**

**.3(1) Location of record.** A request for access to a record should be directed to the division where the record is maintained. If the location of the record is not known by the requester, the request shall be directed to the Iowa Department of Public Health, Public Information Officer, Lucas State Office Building, Des Moines, Iowa 50319-0075, Attention: Record Request. The department will forward the request to the appropriate person.

**.3(2) Office hours.** Open records shall be made available during all customary office hours, which are 8 a.m. to 4:30 p.m. daily, excluding Saturdays, Sundays and legal holidays.

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

**.3(4) Response to requests.** The custodian shall provide prompt access to an open record 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 requires time for compliance, the custodian shall comply with the request as soon as feasible. The custodian may delay access to an open record 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.

**.3(5) Security of record.** No person may, without permission from the custodian, search or remove any record from the department files. The custodian or a designee of the custodian shall supervise examination and copying of department records. Records shall be protected from damage and disorganization.

**.3(6) Copying.** A reasonable number of copies of an open record may be made in the department's office. If photocopy equipment is not available in the department office where an open record is kept, the custodian shall permit its examination in that office and shall arrange to have copies promptly made elsewhere.

**.3(7) Fees.**

*a. When charged.* The department may charge a reasonable fee in connection with the examination or copying of records. To the extent permitted by applicable provisions of 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 department shall be prominently posted in department offices. Copies of records may be made by or for members of the public on department photocopy machines or from electronic storage systems at cost as determined and posted in department offices by the custodian. When the mailing of copies of records is requested, the actual costs of such mailing may also be charged to the requester.

*c. Search and supervisory fee.* An hourly fee may be charged for actual department expenses in searching for and supervising the examination and copying of requested records. The fee shall be based upon the actual costs incurred. The department shall post the hourly fees to be charged in routine cases for search and supervision of records. Except as provided in Iowa Code section 144.46, no fee shall be charged if the records are not made available for inspection, or if the time required does not exceed one hour in duration, or if the time required for the search was the result of department error or record-keeping problems. Iowa Code section 144.46 specifically allows for fees for vital record searches when the record is not copied or is not found, and this Iowa Code section is implemented by 641—96.4(144).

*d. Advance deposits.*

(1) Fulfillment of a request for a copy of a public record may be contingent upon receipt of payment of expenses to be incurred in fulfilling the request, and such estimated expenses shall be communicated to the requester prior to fulfillment of the request. 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 payment of the prior fee and advance payment of the full amount of any estimated fee before the custodian processes a new request from that requester.