



[SF 480](#) – Open Records Costs (LSB2184SV)

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Fiscal Note Version – New

Description

[Senate File 480](#) relates to the assessment of fees associated with public records requests under Iowa Code chapter [22](#). The Bill provides that expenses associated with a request for examination or copies of public records must be reasonable and that the fees charged for supervising the examination of and copying public records by the lawful custodian must not include charges for legal services for the redaction or review of the public records.

Background

Under Iowa Code chapter 22, all expenses for the examination and copying of public records are paid by the person desiring to examine or copy the record. Government bodies can include expenses directly attributable to supervising the examination of and making and providing copies of public records and cannot include charges for ordinary expenses or costs such as employment benefits, depreciation, maintenance, electricity, or insurance associated with the administration of the office.

Assumptions

- There may be an increase in the quantity of public record requests and the scope of public record requests due to less cost-prohibitive fees assessed to obtain records.
- Costs will vary for governmental entities based on whether legal services are provided in-house or through outside services.
- Costs will vary for governmental entities based on the extent to which legal fees are already absorbed by the entity.
- Costs will vary for governmental entities based on size and average volume of existing public records requests, as well as the variability of requests throughout a fiscal year.
- Not all State agencies and local governmental entities receiving public record requests will have a fiscal impact as a result of this Bill.
- Not all State agencies submitted data to the Legislative Services Agency regarding SF 480, and the fiscal impact discussion below is intended to convey the potential fiscal impact of the Bill based on a sample of the State agencies that reported a fiscal impact. There were six State agencies of varying size that indicated no fiscal impact, and one agency that was unable to quantify fiscal impact due to uncertainty around what may constitute as a legal service.

Fiscal Impact

State Agencies

The estimated fiscal impact of SF 480 varies across State agencies. Based on a sample of agencies that responded to a request for information and reported a fiscal impact, the fiscal impact included the need for 0.5 to 1.0 additional full-time equivalent (FTE) position to address the potential for increased public record requests. Below is the range of the FTE position costs submitted by agencies:

Table 1 — Estimated FTE Position Costs by Agencies Reporting a Fiscal Impact

Agency	Projected FTEs	Position	Estimated Annual Cost
Judicial Branch	0.5	Staff Attorney 1	\$ 47,000
Department of Public Safety	1.0	Attorney 2	84,000
Office of the Attorney General	0.5	Assistant Attorney General 3	86,000
Iowa Civil Rights Commission	1.0	Clerk Specialist	49,000
Board of Regents (Per University)	1.0	N/A	70,000

Note: The agencies listed in this table are intended to represent a sample of agencies that reported a fiscal impact and not all State agencies that would experience fiscal impact. Not all agencies included in the sample reported a fiscal impact.

Local Governments

It is estimated that local governments (cities, counties, and schools) may be more likely to utilize outside legal services and would incur increased costs associated with absorbing the costs of the legal review of requests. Costs can be expected to vary based on the size of a municipality or school district and the volume and scope of the requests received in a given year; as a result, the Bill’s overall fiscal impact on local governments cannot be estimated at this time.

Sources

- Judicial Branch
- Department of Public Safety
- Office of the Attorney General
- Iowa Civil Rights Commission
- Board of Regents
- Iowa League of Cities
- Iowa Association of School Boards

/s/ Holly M. Lyons

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The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
