



[SF 2322](#) – Open Records Costs (LSB2184SZ.1)
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Fiscal Note Version – Final Action

Description

[Senate File 2322](#) relates to the assessment of fees associated with public record requests under Iowa Code chapter [22](#). The Bill provides that the lawful custodian of public records must make every reasonable effort to provide a requested public record at no cost other than copying costs for a record that takes less than 30 minutes to produce. If expenses are necessary, such expenses must be reasonable. A requester may contest the reasonableness of the custodian's expenses as provided for in Iowa Code chapter 22. The Bill also provides that costs for legal services should only be utilized for the redaction or review of legally protected confidential information.

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 may include charges directly attributable to supervising the examination of public records, 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 lower fees assessed to obtain records.
- There may be unrecovered costs of public record requests for governmental entities.
- Costs may 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.
- Costs may vary for governmental entities based on the extent to which fees are already absorbed by the entity and the fee rate charged to the requester.
- Not all State agencies and local government entities receiving public record requests may incur increased costs as a result of this Bill.

Fiscal Impact

The estimated fiscal impact of SF 2322 may vary across State agencies. In a sample survey of agencies of various sizes that responded to a request for information to the Legislative Services Agency, the majority stated that there would be no fiscal impact or that any fiscal impact is likely to be minimal. However, due to the variability across agencies and the inability to predict the volume of future open record requests, it is not possible to estimate the overall fiscal impact to State agencies at this time. In the instance of increased public record requests, it is possible that agencies may request additional full-time equivalent (FTE) positions.

The fiscal impact of SF 2322 on local governments also cannot be estimated at this time. Additional costs that may be absorbed by a local government are expected to vary based on the size of the entity, the current hourly rate charged for services, and the volume and scope of the

requests received in a given year. Not all local government entities may experience a fiscal impact as a result of this Bill.

Sources

Iowa League of Cities
Various State agencies

/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.

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